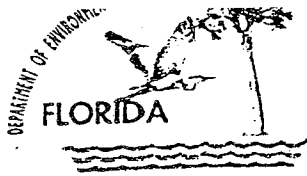


**MANATEE HARBOR, FLORIDA  
LIMITED REEVALUATION REPORT**

**APPENDIX E  
PERTINENT CORRESPONDENCE**



# Department of Environmental Protection

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Virginia B. Wetherell  
Secretary

**PERMITTEE:**

Manatee County Port Authority  
c/o Mr. James D. Moore, P.E.  
Gee & Jensen, EAP, Inc.  
One Harvard Circle

Permit Number: 412454639

Date of Issue: 04/25/95

Expiration Date: 04/25/2005

County: Manatee

Project: Wetland Resource, 10  
year 10

This permit is issued under the provisions of Chapters 373 and 403, Florida Statutes, Public Law 92-500, Title 62, and Rule 62-312, Florida Administrative Code. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

**PROJECT DESCRIPTION:**

The project is to hydraulically maintenance dredge approximately 1.3 million cubic yards of material over a ten year period from the existing Port Manatee navigation project as follows: the channel widener, the main channel, the central basin, and Berth 11 will be dredged to a depth of -40 ft. below mean low water (MLW), plus 2.0 ft. of advance maintenance dredging; Berth 5 will be dredged to a depth of -20 ft. MLW, plus 2.0 ft. of advance maintenance dredging. Dredged material is to be placed in an upland containment area within Port Manatee.

**PROJECT LOCATION:**

Located an existing navigation project located between Port Manatee on the east side of Tampa Bay in Manatee County and the Tampa Channel in Hillsborough County. Waters within the project site are Class III waters. Port Manatee is located in Section 1, Township 33 South, Range 17 East, Manatee County., Manatee County, Section 1, Township 33 South, Range 17 East, III.

**GENERAL CONDITIONS:**

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the

Permittee: Manatee County Port Authority  
Permit No: 412454639  
Page 2

Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- (a) Have access to and copy any records that must be kept under conditions of the permit;
- (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and

Department.

3. As provided in subsections 403.087(6) and the issuance of this permit does not convey any exclusive privileges. Neither does it authorize any public or private property or any invasion or nor any infringement of federal, state, or local regulations. This permit is not a waiver of or other Department permit that may be required for the total project which are not addressed in this

4. This permit conveys no title to land or water constitute State recognition or acknowledgment or not constitute authority for the use of submerged herein provided and the necessary title or lease have been obtained from the State. Only the Trust Internal Improvement Trust Fund may express State title.

5. This permit does not relieve the permittee from harm or injury to human health or welfare, and life, or property caused by the construction or operation permitted source, or from penalties therefore; nor the permittee to cause pollution in contravention Statutes and Department rules, unless specifically an order from the Department.

6. The permittee shall properly operate and maintain facility and systems of treatment and control (and appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit required by Department rules. This provision includes operation of backup or auxiliary facilities or similar when necessary to achieve compliance with the conditions permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by reasonable times, access to the premises where the permit activity is located or conducted to:

- (a) Have access to and copy any records that may be maintained under conditions of the permit;
- (b) Inspect the facility, equipment, practices, operations regulated or required under this permit.



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Permit No: 412454639  
Page 3

- (c) Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- a. A description of and cause of noncompliance; and
- b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300 F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

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Permit No: 412454639

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12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).

14. The permittee shall comply with the following:

a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

c. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the

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Permit No: 412454639  
Page 5

Department, such facts or information shall be corrected promptly.

**SPECIFIC CONDITIONS:**

1. The permittee is hereby advised that Florida law states:  
"No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Florida Administrative Code Rule 18-4, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.
2. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, 500 S. Bronough St., Tallahassee, Florida 32399-0250.
3. At least 48 hours prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources in Tallahassee, and the Southwest District office in Tampa, in writing of this commencement.
4. The permittee shall schedule a pre-construction conference to review the specific conditions and monitoring requirements of this permit with the permittee's consultants, contractors, and work crews prior to the commencement of any work authorized by this permit. The permittee shall provide a minimum 72-hour advance written notification to the Bureau of Submerged Lands and Environmental Resources, 2600 Blainstone Road, Tallahassee, Florida, 32399-2400, (904) 488-0130 and to the Southwest District Office Submerged Lands and Environmental Resource Program, 3804 Coconut Palm Drive, Tampa, Florida, 33619, (813) 744-6100 advising of the date, time, and location of the pre-construction conference.
5. Semi-annual narrative progress reports shall be submitted to the Bureau of Submerged Lands and Environmental Resources and the Department's Submerged Lands and Environmental Resource Program, Southwest District office in Tampa indicating the status of the project. The cover page shall indicate the permit number, project name and the permittee name. The report shall include the following information:

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Permit No: 412454639  
Page 6

- a. Date permitted activity was begun; if work has not begun on-site, please so indicate.
- b. Brief description and extent of work completed since the previous report or since permit was issued. Indicate on copies of the permit drawings those areas where work has been completed. Also indicate any areas in which the actual impacts were less than the scope of the permitted work.
- c. Brief description and extent of work anticipated in the next six months. Indicate on copies of the permit drawings those areas where it is anticipated that work will be done.
- d. This report shall include on the first page, just below the title, the certification of the following statement by the individual who supervised preparation of the report: "This report represents a true and accurate description of the activities conducted during the six month period covered by this report."

The first semi-annual progress report is due six months from the date of permit issuance.

6. Best management practices for erosion and turbidity control shall be implemented and maintained at all times during dredging and dewatering to ensure that turbidity levels do not exceed the State water quality standard for turbidity in Class III marine waters (29 nephelometric turbidity units (NTUs) above background levels) described in Rule 62-302, F.A.C. Methods for controlling erosion and turbidity shall include, but are not limited to the use of staked hay bales; staked filter cloth; sodding, seeding, and mulching; staged construction; and the deployment of turbidity screens around the immediate project site.

The permittee shall be responsible for ensuring that erosion control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

The following measures shall be taken immediately by the permittee whenever turbidity levels within waters surrounding the project site exceed 29 NTUs above background levels:

- a. Immediately cease all work contributing to the water quality violation.

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Permit No: 412454639  
Page 7

- b. Stabilize all exposed soils contributing to the violation, modify the work procedures that were responsible for the violation, and install more turbidity containment devices and repair any non-functioning turbidity containment devices.
- c. Notify the Bureau of Submerged Lands and Environmental Resources at (904) 488-0130 and the DEP Southwest District office at (813) 744-6100 within 24 hrs. of the time the violation is first detected.

Turbidity shall be monitored in accordance with the monitoring requirements of the permit.

7. This permit authorizes maintenance dredging of the existing Port Manatee channel, channel widener, and mooring areas as shown on Permit Drawing No. 1 to the depths indicated on Permit Drawing Nos. 4-11. All dredging shall be accomplished using a hydraulic suction dredge. Clamshell dredging is not authorized by this permit. All dredged material shall be placed in the upland disposal area shown on the spoil disposal cell permit drawing.

8. No portion of the dredge pipeline, nor any related equipment, shall be temporarily stored or laid on or over seagrass beds in the vicinity of the areas to be dredged. The pipeline route and effluent discharge route shall be in accordance with Permit Drawing No. 2.

9. In order to ensure that manatees are not adversely affected by the construction activities authorized by this permit, the permittee shall adhere to the following conditions:

- a. The contractor instructs all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s), and shall implement appropriate precautions to ensure protection of the manatee(s).
- b. All construction personnel are advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.

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Permit No: 412454639

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- c. Prior to commencement of construction, the prime contractor involved in the construction activities shall construct and display at least two temporary signs (placards) concerning manatees. For all vessels, a temporary sign (at least 8 1/2" X 11") reading "Manatee Habitat/Idle Speed In Construction Area" will be placed in a prominent location visible to employees operating the vessels. In the absence of a vessel, a temporary sign (at least 2' X 2') reading "Warning: Manatee Habitat" will be posted in a location prominently visible to land based, water-related construction crews.

A second temporary sign (at least 8 1/2" X 11") reading "Warning, Manatee Habitat: Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL-FMP" will be located prominently adjacent to the displayed issued construction permit. Temporary notices are to be removed by the permittee upon completion of construction.

- d. Siltation barriers are properly secured so that manatees cannot become entangled, and are monitored at least daily to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.
- e. All vessels associated with the project operate at "idle speed/no wake" at all times while in the construction area and while in water where the draft of the vessel provides less than a four foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- f. If manatees are seen within 100 yards of the active daily construction/dredging operation all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment.
- g. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol (1-800-DIAL-FMP) and to the Office of Protected Species Management (904) 922-4330.

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Permit No: 412454639  
Page 9

- h. The contractor maintains a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period. A report summarizing incidents and sightings shall be submitted to the Florida Department of Environmental Protection, Office of Protected Species Management, Mail Station 245, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399 and to the U.S. Fish and Wildlife Service Office, 3100 University Boulevard, Jacksonville, Florida 32216. This report must be submitted annually or following the completion of the project if the contract period is less than a year.

**MONITORING REQUIRED:**  
**Water Quality**

Parameter: Turbidity (Nephelometric Turbidity Units - NTUs).

Frequency: Samples shall be collected every four hours during dredging. During the discharge of decant effluent from the dredged material containment area, samples shall be collected at least twice a day (at least four hours apart).

Location:

**Dredging:**

Background: In open water in Tampa Bay, at least 500 m. upcurrent from the area being actively dredged, at mid-depth.

Compliance: In open water in Tampa Bay, no more than 150 m. downcurrent from the area being actively dredged, outside of turbidity containment devices, within any visible turbidity plume, at mid-depth.

**Dewatering:**

Background: In open water in Tampa Bay, at least 200 m. west of the confluence of the South Ditch with the bay,

Permittee: Manatee County Port Authority  
Permit No: 412454639  
Page 10

outside of any visible turbidity plume, at mid depth.

Compliance: In the South Ditch, no more than 50 m. east of the existing Tampa Bay shoreline, within any visible turbidity plume, at mid-depth.

Turbidity samples shall be analyzed within 30 minutes of collection, the results of which shall be reviewed by the Port Director or his designee during dredging and dewatering discharges. Weekly summaries of all monitoring data shall be submitted to the Bureau of Submerged Lands and Environmental Resources and to the Southwest District Office within one week of analysis with documents containing the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations; and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) depth of water body;
- (c) depth of sample;
- (d) antecedent weather conditions;
- (e) tidal stage and direction of flow; and
- (f) wind direction and velocity.

The compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals turbidity levels at the compliance sites greater than or equal to 29 NTU's of background turbidity levels, dredging and/or the discharge of decant effluent (as appropriate) shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the DEP Southwest District office in Tampa.


Monitoring reports shall be submitted to the Bureau of Submerged Lands and Environmental Resources in Tallahassee and to the DEP



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Permit No: 412454639  
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Southwest District office. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the DEP, please clearly include, at the top of each page or as a cover page to the submittal: "This information being provided in partial fulfillment of the monitoring requirements in Permit No. 412454639."

Recommended by

  
ERIC L. BUSH

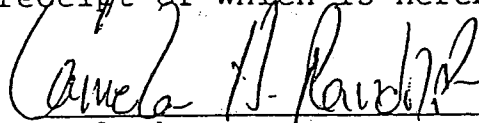
STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

16 pages attached.

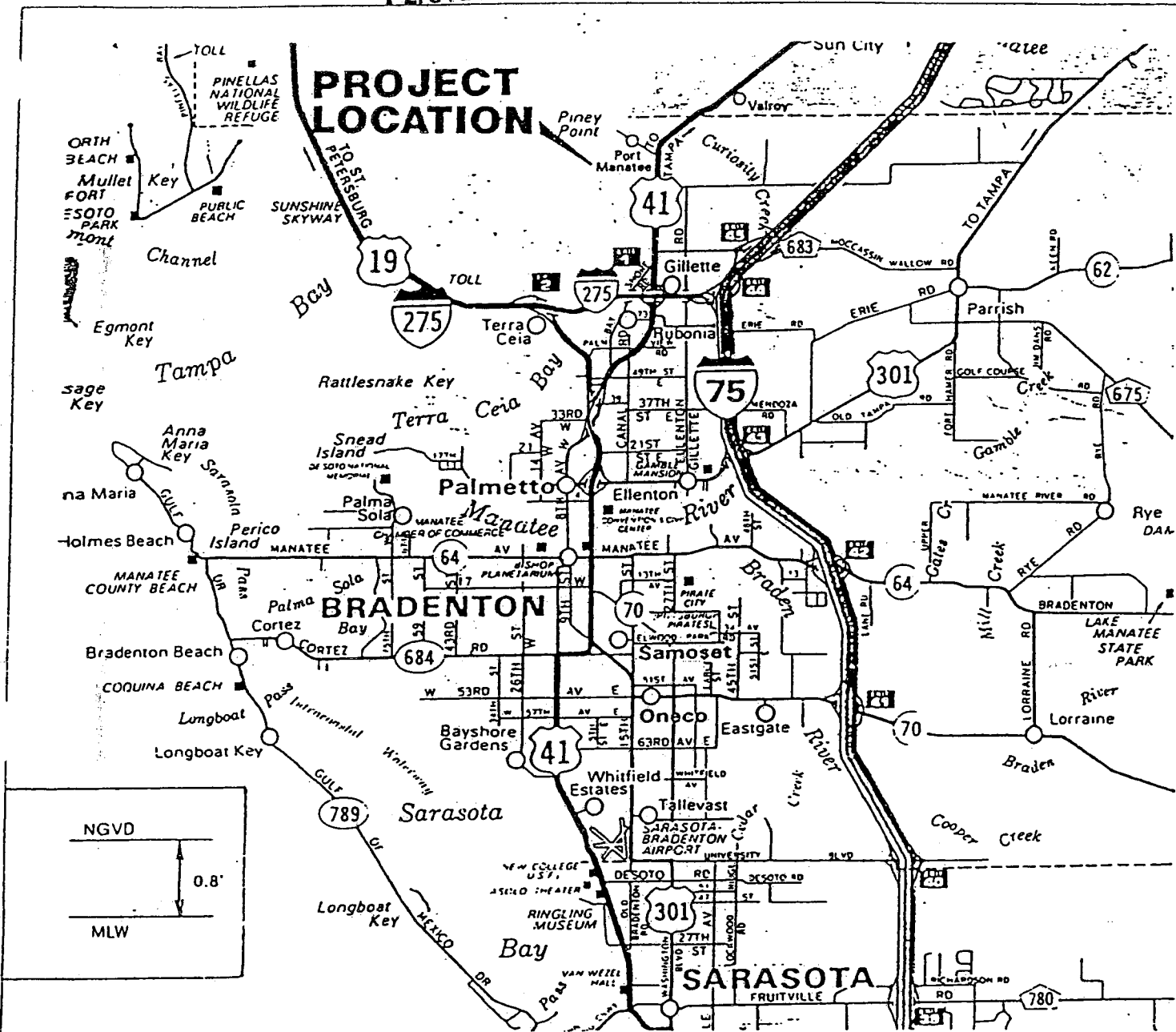
  
Virginia B. Wetherell, Secretary

#### FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(9),  
Florida Statutes, with the designated Department Clerk,  
receipt of which is hereby acknowledged.

  
Clerk

4/25/95  
Date



# LOCATION MAP

PORT MANATEE BASIN & CHANNEL  
MAINTENANCE DREDGING 09 1994

LAT 27°38'00"  
LONG 82°33'00"  
USGS QUADRANGLE MAP  
COCKROACH BAY, FLA.

*Handwritten signature and date:*  
Jen 22 SEP 94  
at 7/94

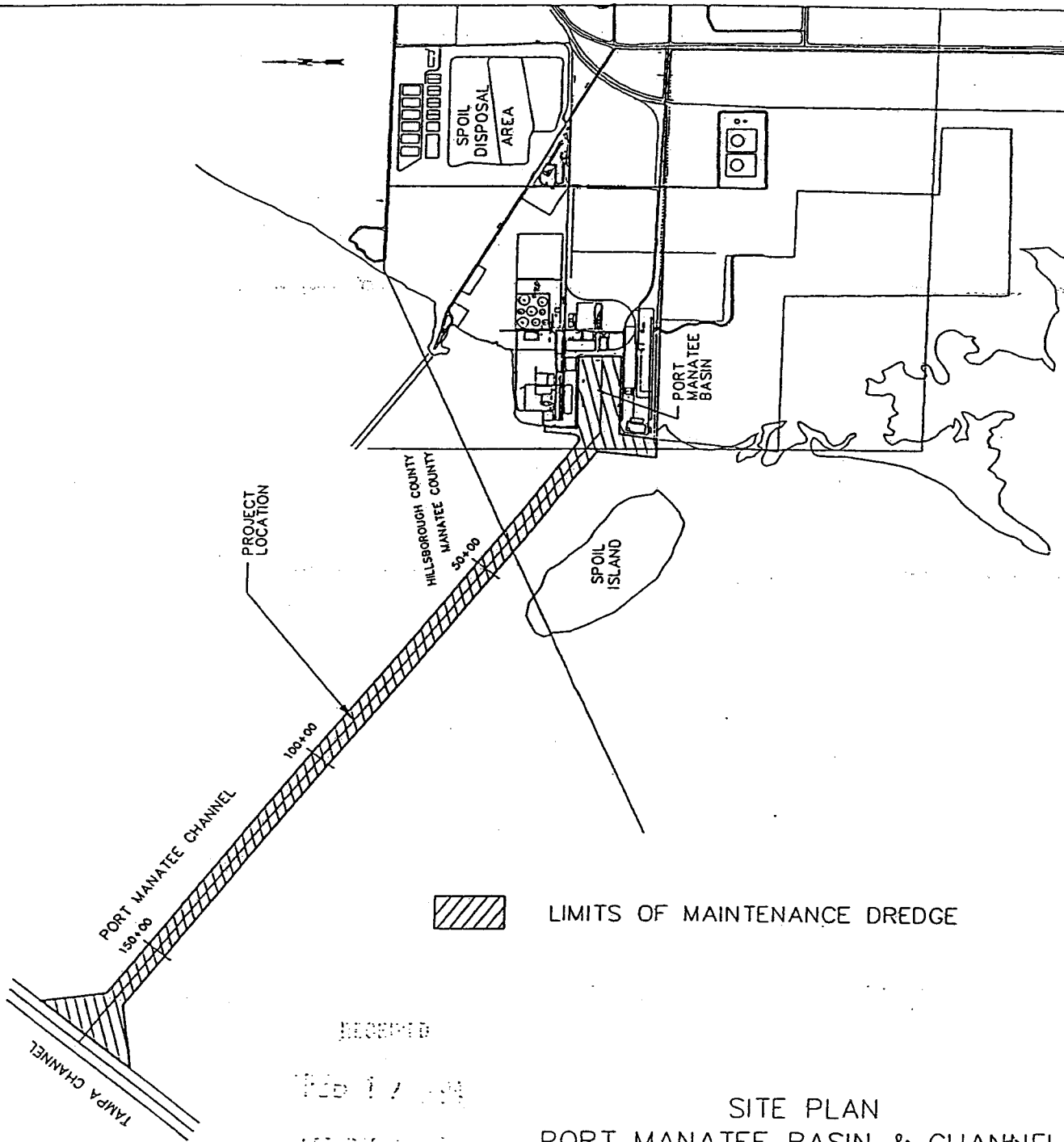


GEE & JENSON

Applicant MANATEE COUNTY	Purpose MAINTENANCE DREDGE
Water Body PORT MANATEE BASIN & CHANNEL	Original Work <input type="checkbox"/> Maintenance <input checked="" type="checkbox"/>
County MANATEE	Sheet No.: _____ of _____
Datum NGVD 1929	Date: OCT. 1993



PERMIT NO. 412454639

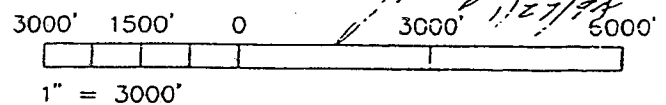


RECEIVED

FEB 17 1994

RECEIVED

SITE PLAN  
PORT MANATEE BASIN & CHANNEL  
MAINTENANCE DREDGING



LAT 27°38'00"  
LONG 82°33'00"  
USGS QUADRANGLE MAP  
COCKROACH BAY, FLA.



GEE & JENSON

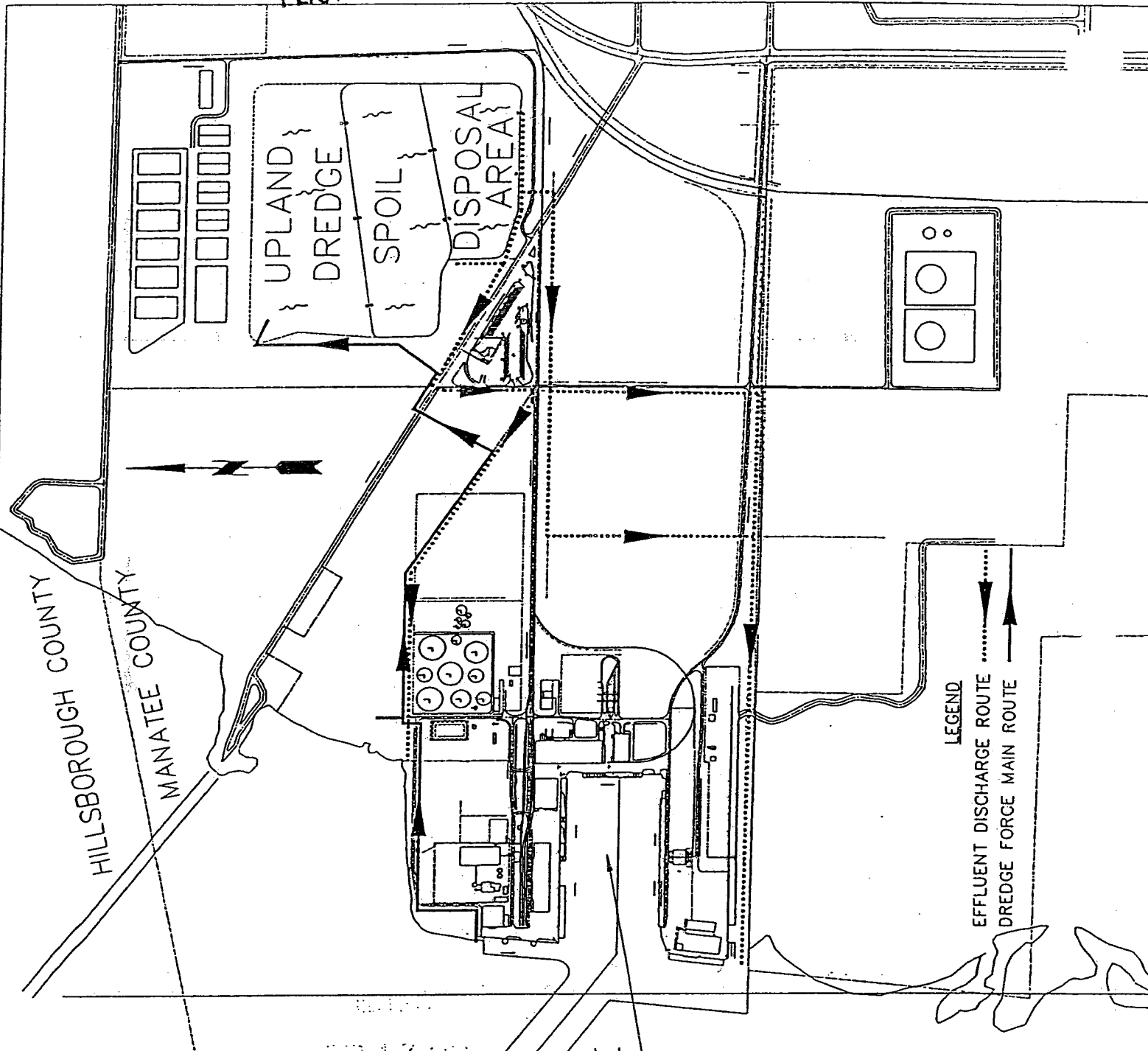
Applicant  
Water Body  
County  
Datum

MANATEE COUNTY  
PORT MANATEE BASIN & CHANNEL  
MANATEE  
NGVD 1929

Purpose  
Original Work  
Sheet No.:  
Date:

MAINTENANCE DREDGE  
☐ Original Work  
☒ Maintenance  
1 of 13  
OCT., 1993

PERMIT NO. 4124540



LAT 27°38'00"  
 LONG 82°33'00"  
 USGS QUADRANGLE MAP  
 COCKROACH BAY, FLA.

PORT MANATEE BASIN & CHANNEL  
 MAINTENANCE DREDGING  
 1" = 1200'



GEE & JENSON

Applicant  
 Water Body  
 County  
 Datum

MANATEE COUNTY  
 PORT MANATEE BASIN & CHANNEL  
 MANATEE  
 NGVD 1929

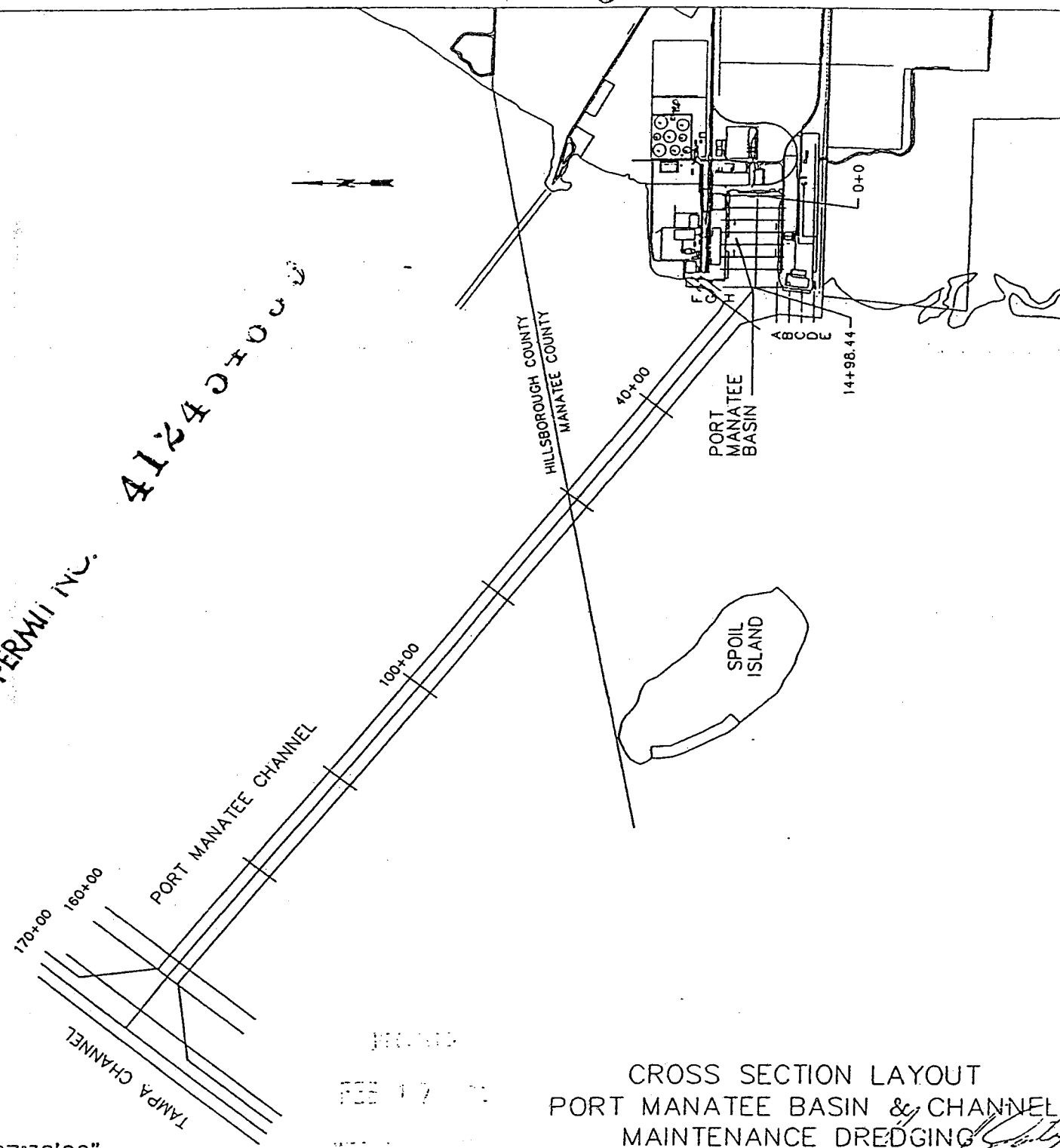
Purpose

Original Work  
 Sheet No.:  
 Date:

MAINTENANCE DREDGE


☐ Maintenance ☒  
 2 of 13  
 OCT., 1993

PERMIT NO. 412404000

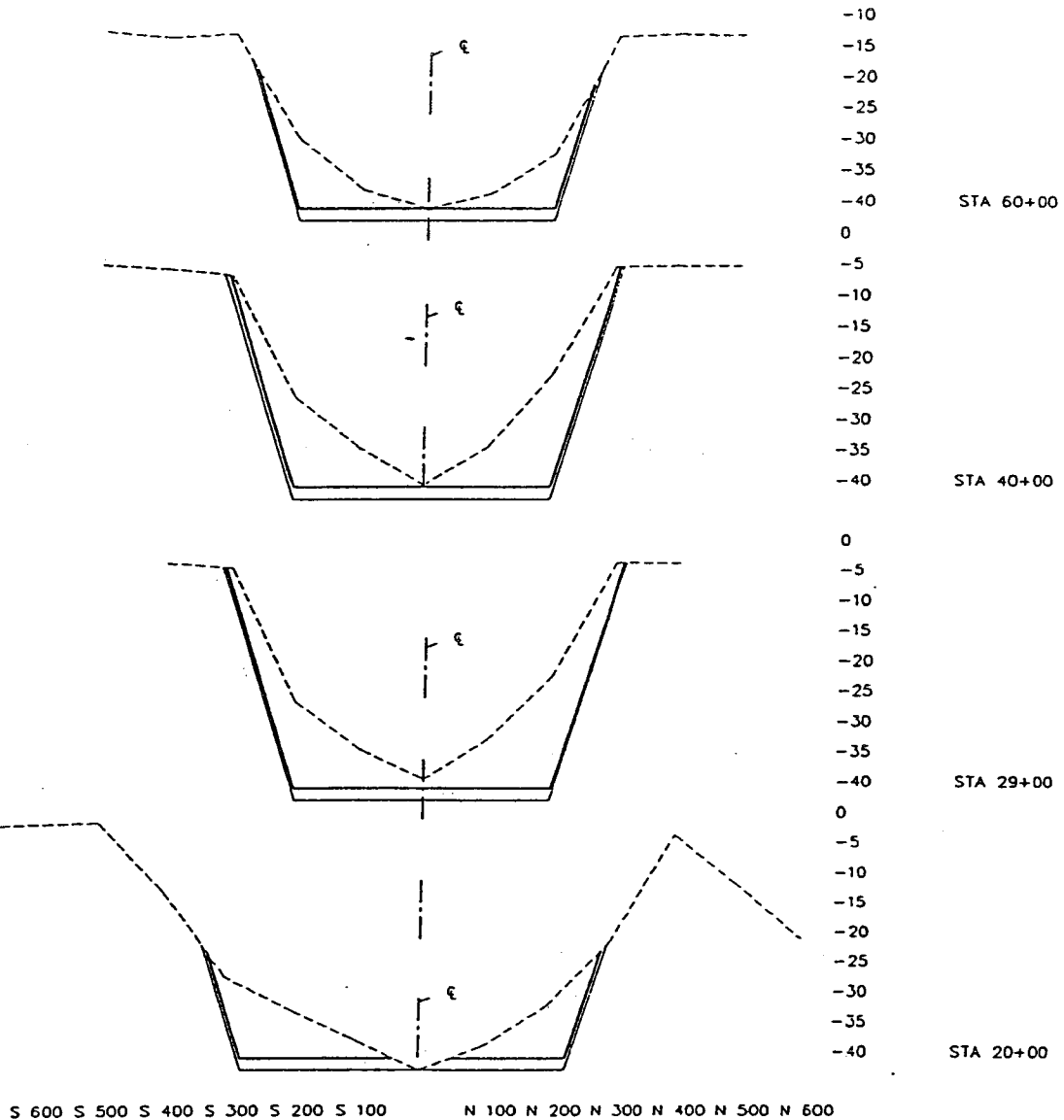


LAT 27°38'00"  
 LONG 82°33'00"  
 USGS QUADRANGLE MAP  
 COCKROACH BAY, FLA.

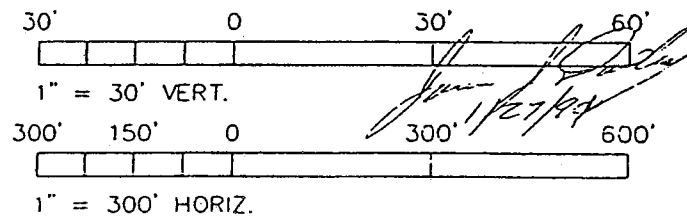
CROSS SECTION LAYOUT  
 PORT MANATEE BASIN & CHANNEL  
 MAINTENANCE DREDGING  
 2400' 1200' 0 2400' 4800'  
 1" = 2400'

 <b>GEE &amp; JENSON</b>	Applicant	MANATEE COUNTY	Purpose	MAINTENANCE DREDGE	
	Water Body	PORT MANATEE BASIN & CHANNEL	Original Work	<input type="checkbox"/>	Maintenance <input checked="" type="checkbox"/>
	County	MANATEE	Sheet No.:	3 of 13	
	Datum	NGVD 1929	Date:	OCT. 1993	

PERMIT NO. 412454639



# CHANNEL CROSS SECTIONS PORT MANATEE BASIN & CHANNEL MAINTENANCE DREDGING



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LONG 82°33'00"  
USGS QUADRANGLE MAP  
COCKROACH BAY, FLA.



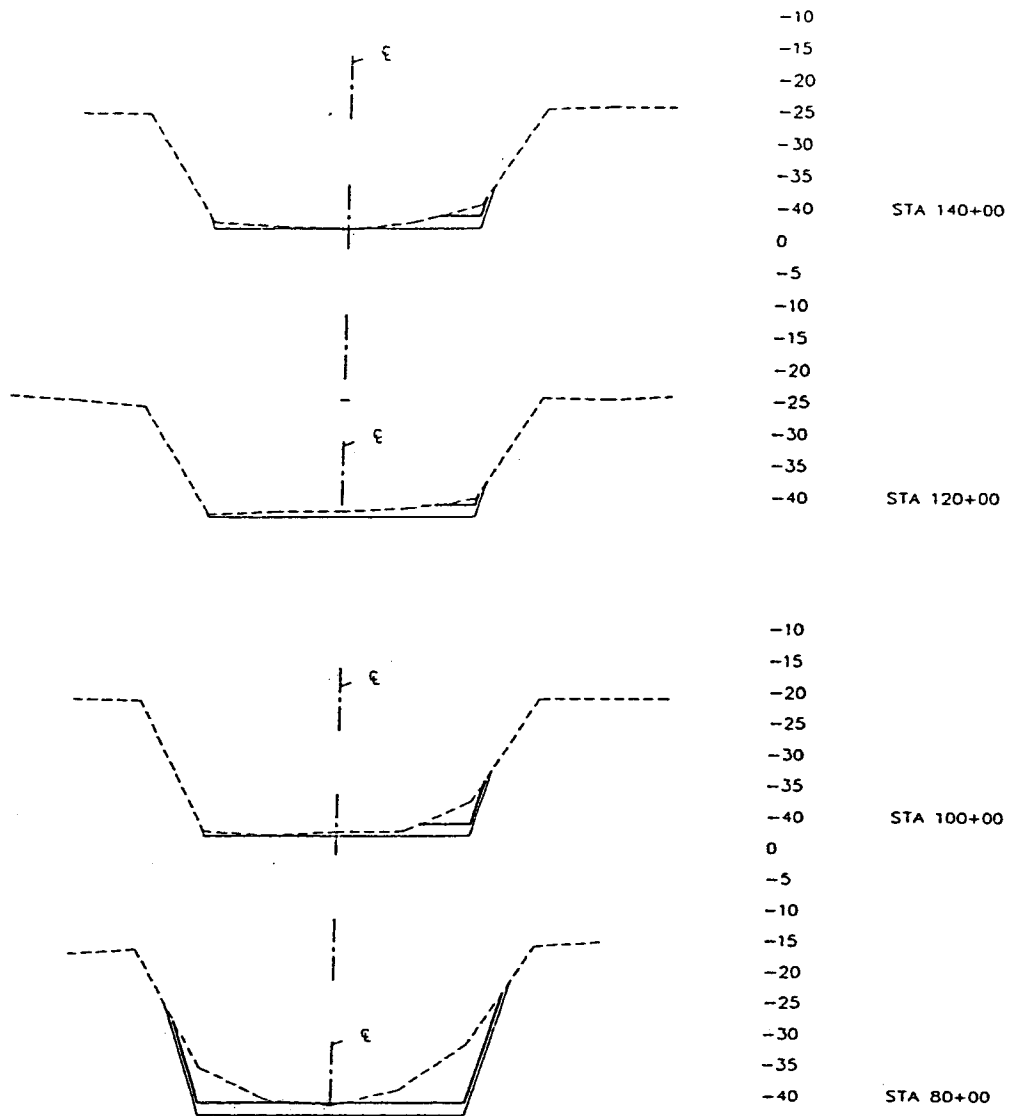
Applicant  
Water Body  
County  
Datum

MANATEE COUNTY  
PORT MANATEE BASIN & CHANNEL  
MANATEE  
NGVD 1929

Purpose  
Original Work  
Sheet No.:  
Date:

MAINTENANCE DREDGE  
☐ Maintenance ☒  
4 of  
OCT., 1993

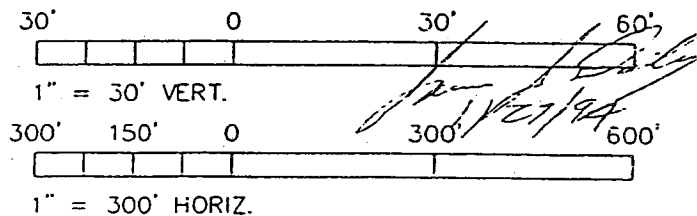
PERMIT NO. 412454639



S 600 S 500 S 400 S 300 S 200 S 100 N 100 N 200 N 300 N 400 N 500 N 600

# CHANNEL CROSS SECTIONS PORT MANATEE BASIN & CHANNEL MAINTENANCE DREDGING

LAT 27°38'00"  
LONG 82°33'00"  
USGS QUADRANGLE MAP  
COCKROACH BAY, FLA.



GEL & JENSON

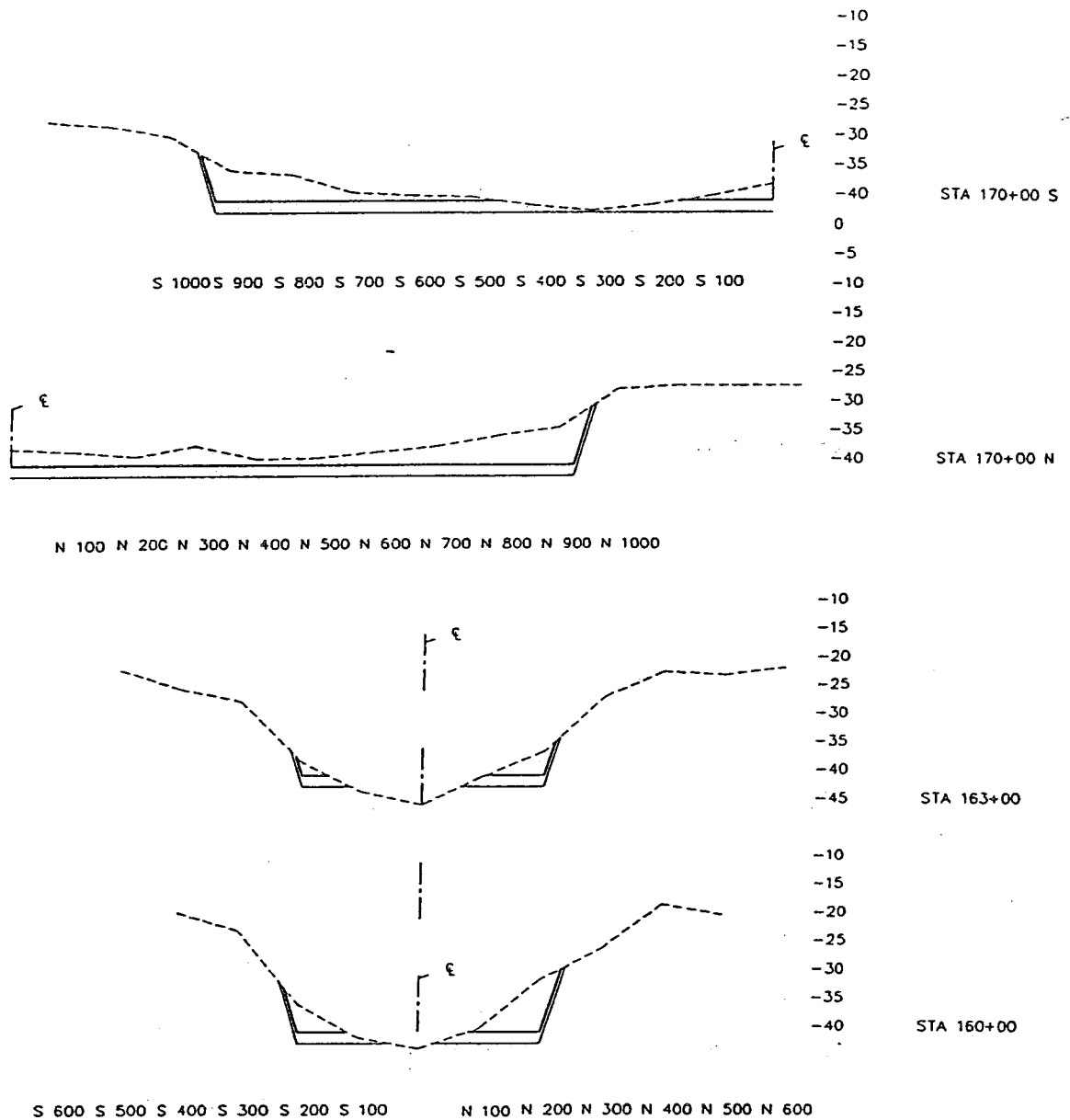
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Water Body	PORT MANATEE BASIN & CHANNEL	Original Work	<input type="checkbox"/>
County	MANATEE	Maintenance	<input checked="" type="checkbox"/>
Datum	NGVD 1929	Sheet No.:	5 of 13
		Date:	OCT., 1993



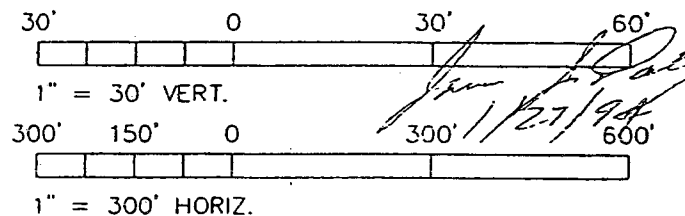
PERMIT NC 412454639

PERMIT NC

LAT 27°38'00"  
LONG 82°33'00"  
USGS QUADRANGLE MAP  
COCKROACH BAY, FLA.



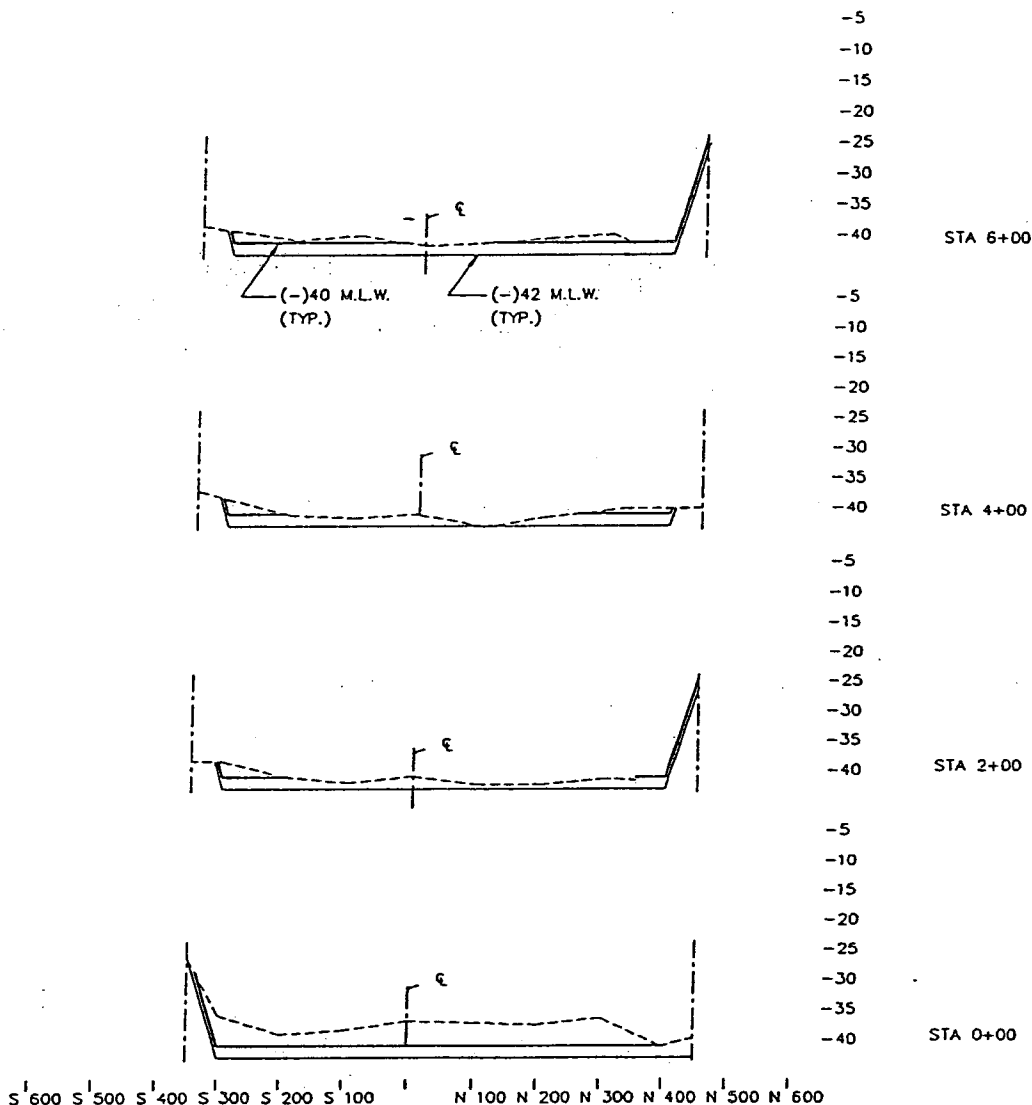
# CHANNEL CROSS SECTIONS PORT MANATEE BASIN & CHANNEL MAINTENANCE DREDGING



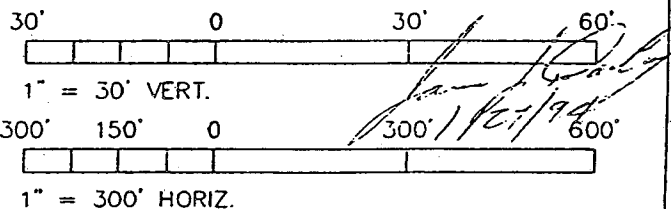
GEE & JENSON

Applicant Water Body County Datum	MANATEE COUNTY PORT MANATEE BASIN & CHANNEL MANATEE NGVD 1929	Purpose Original Work Sheet No.: Date:	MAINTENANCE DREDGE <input type="checkbox"/> Maintenance 6 of OCT., 1993
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PERMIT NO. 412454659



# BASIN CROSS SECTIONS PORT MANATEE BASIN & CHANNEL MAINTENANCE DREDGING



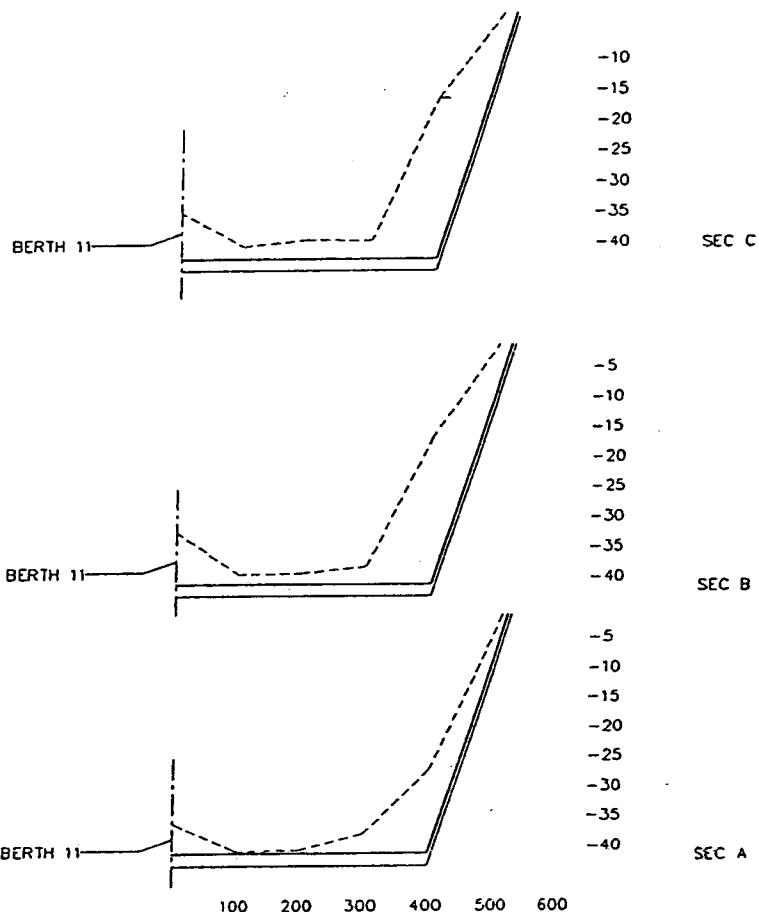
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USGS QUADRANGLE MAP  
COCKROACH BAY, FLA.



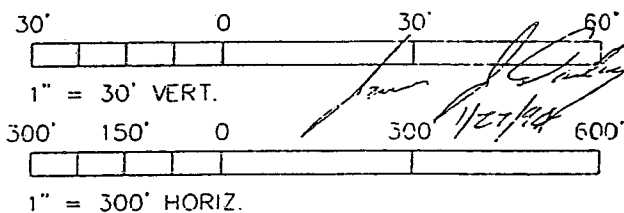
GEE & JENSON

Applicant	MANATEE COUNTY	Purpose	MAINTENANCE DREDGE
Water Body	PORT MANATEE BASIN & CHANNEL	Original Work	<input type="checkbox"/> Maintenance <input checked="" type="checkbox"/>
County	MANATEE	Sheet No.:	7 of 13
Datum	NGVD 1929	Date:	OCT., 1993

PERMIT NO. 412454639



BERTH 11 CROSS SECTIONS  
PORT MANATEE BASIN & CHANNEL  
MAINTENANCE DREDGING



LAT 27°38'00"  
LONG 82°33'00"  
USGS QUADRANGLE MAP  
COCKROACH BAY, FLA.



GEE & JENSON

Applicant  
Water Body  
County  
Datum

MANATEE COUNTY  
PORT MANATEE BASIN & CHANNEL  
MANATEE  
NGVD 1929

Purpose

MAINTENANCE DREDGE

Original Work



Maintenance



Sheet No.:

9

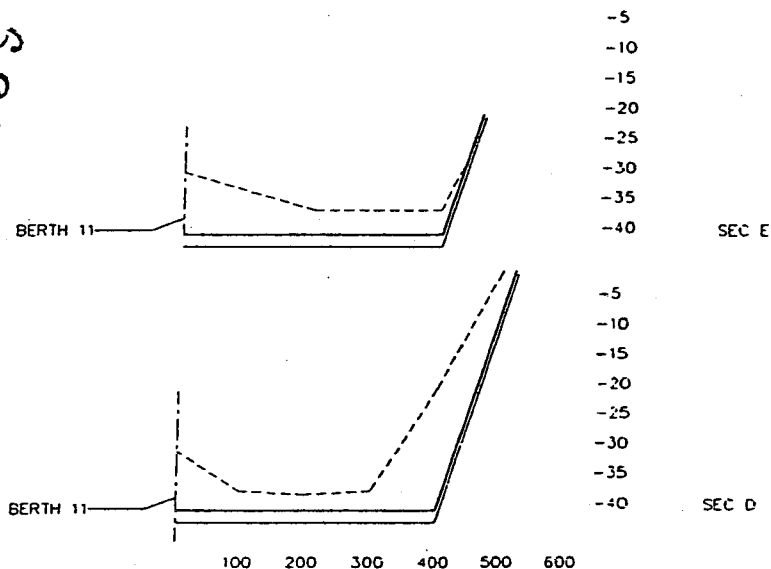
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13

Date:

OCT. 1993

PERMIT NO. 412405000



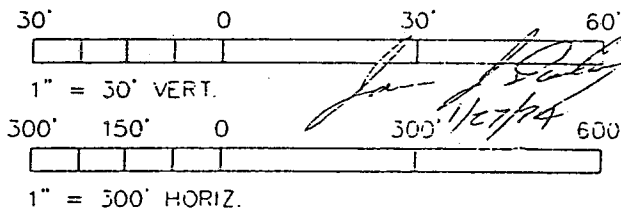
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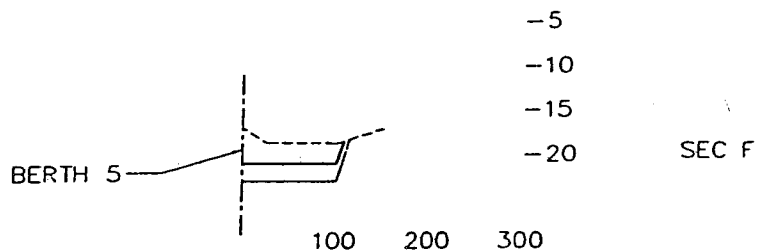
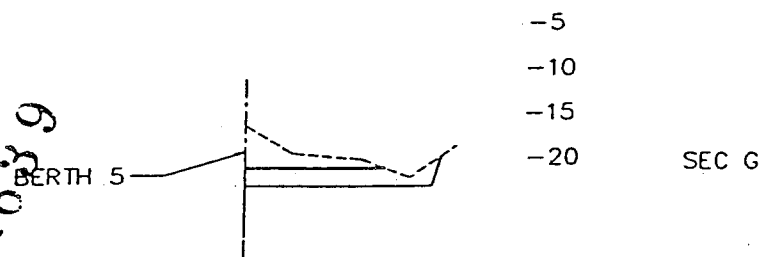
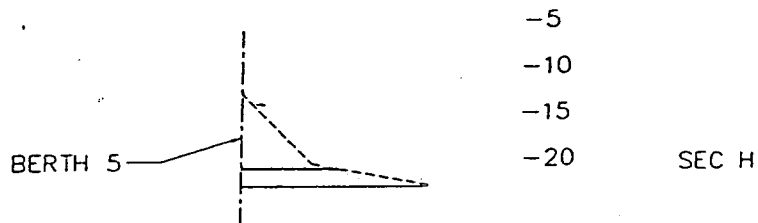
# BERTH 11 CROSS SECTIONS PORT MANATEE BASIN & CHANNEL MAINTENANCE DREDGING

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USGS QUADRANGLE MAP  
COCKROACH BAY, FLA.



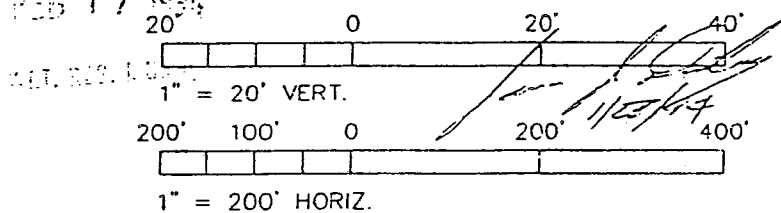
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	County	MANATEE	Maintenance	<input checked="" type="checkbox"/>
	Datum	NGVD 1929	Sheet No.:	10 of 13
			Date:	OCT., 1993

PERMIT NO 412454639



LAT 27°38'00"  
LONG 82°33'00"  
USGS QUADRANGLE MAP  
COCKROACH BAY, FLA.

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BERTH 5  
PORT MANATEE BASIN & CHANNEL  
MAINTENANCE DREDGING



GEE & JENSON

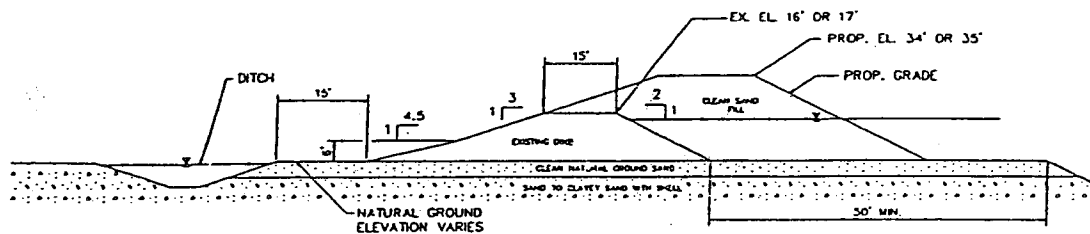
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Water Body  
County  
Datum

MANATEE COUNTY  
PORT MANATEE BASIN & CHANNEL  
MANATEE  
NGVD 1929

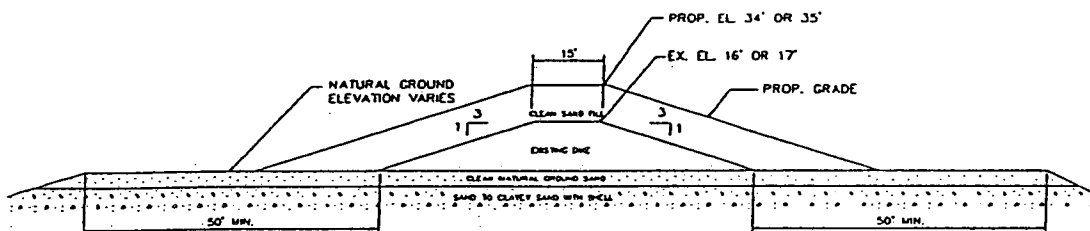
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MAINTENANCE DREDGE

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☒ Maintenance  
11 of 13  
OCT., 1993



PERIMETER DIKE

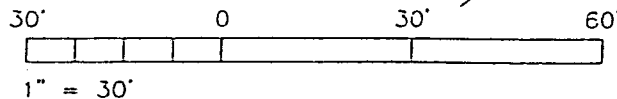


INTERNAL DIKE

PERMIT NO. 412454009

TYPICAL SECTION DISPOSAL AREA  
PORT MANATEE BASIN & CHANNEL  
MAINTENANCE DREDGING

LAT 27°38'00"  
LONG 82°33'00"  
USGS QUADRANGLE MAP  
COCKROACH BAY, FLA.



*John J. [Signature]*  
10/27/93



GEE & JENSON

Applicant  
Water Body  
County  
Datum

MANATEE COUNTY  
PORT MANATEE BASIN & CHANNEL  
MANATEE  
NGVD 1929

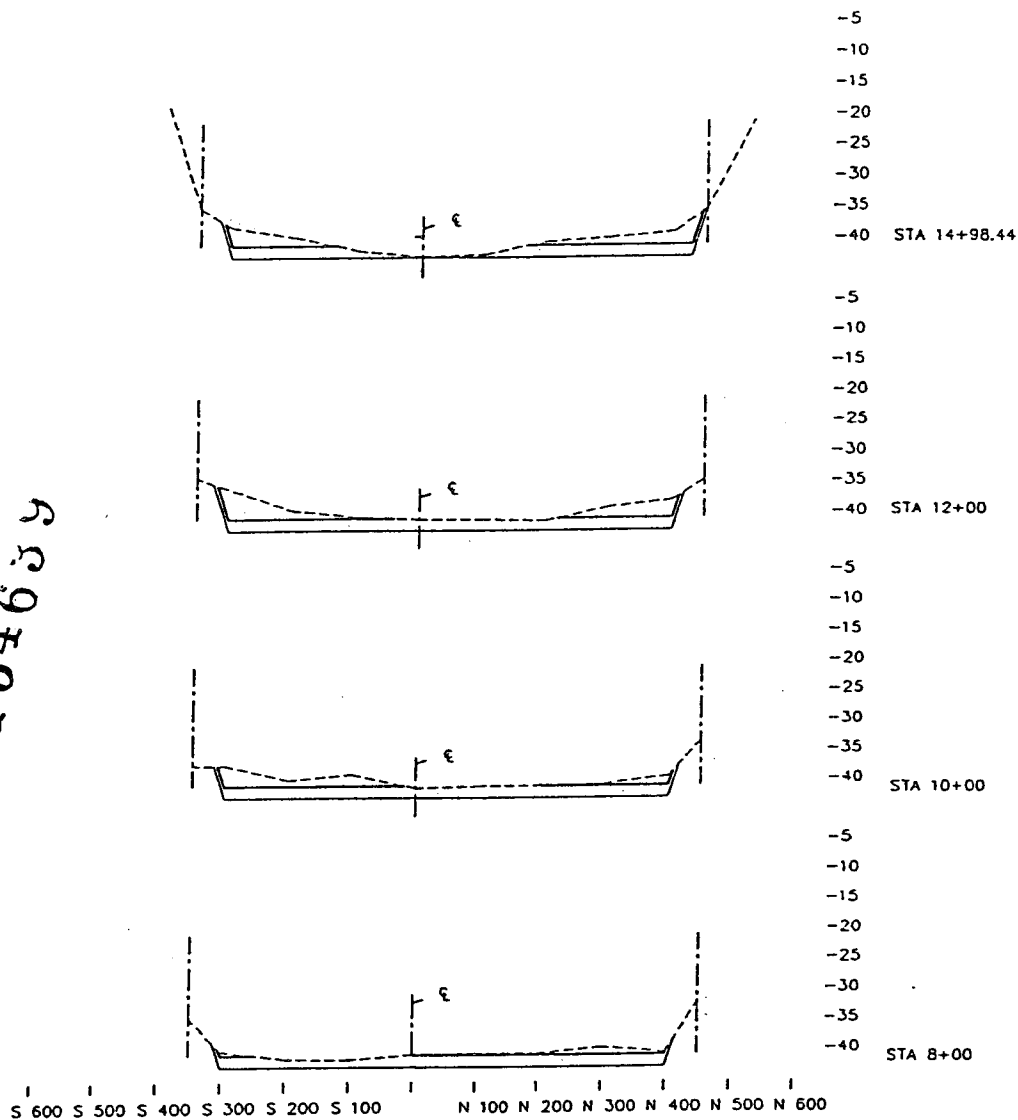
Purpose

Original Work  
Sheet No.:  
Date:

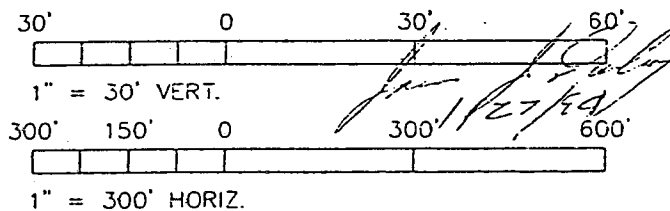
MAINTENANCE DREDGE

☐ Original Work  
☒ Maintenance  
12 of 13  
OCT. 1993

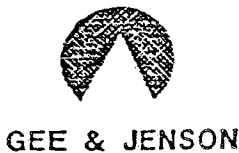
PERMIT NO. 412454639



# BASIN CROSS SECTIONS PORT MANATEE BASIN & CHANNEL MAINTENANCE DREDGING



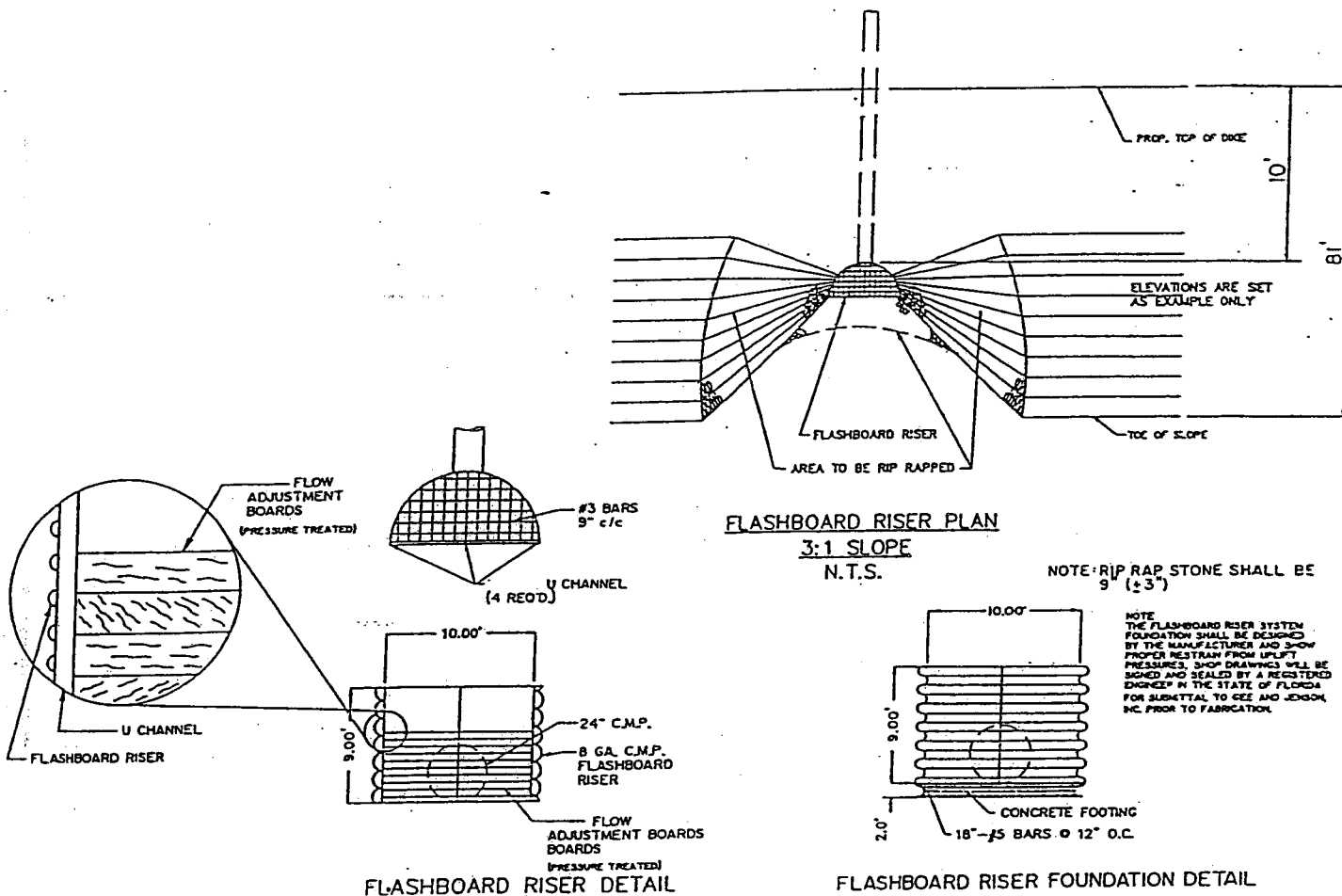
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USGS QUADRANGLE MAP  
COCKROACH BAY, FLA.



Applicant	MANATEE COUNTY	Purpose	MAINTENANCE DREDG
Water Body	PORT MANATEE BASIN & CHANNEL	Original Work	<input type="checkbox"/> Maintenance <input checked="" type="checkbox"/>
County	MANATEE	Sheet No.:	8 of 13
Datum	NGVD 1929	Date:	OCT. 1993

412454639

PERMIT NO.



# PORT MANATEE BASIN & CHANNEL MAINTENANCE DREDGING

FCS 1 / 594

REV. 1.3.10.1

LAT 27°38'00"  
LONG 82°33'00"  
USGS QUADRANGLE MAP  
COCKROACH BAY, FLA.

*[Signature]*  
10/1/94

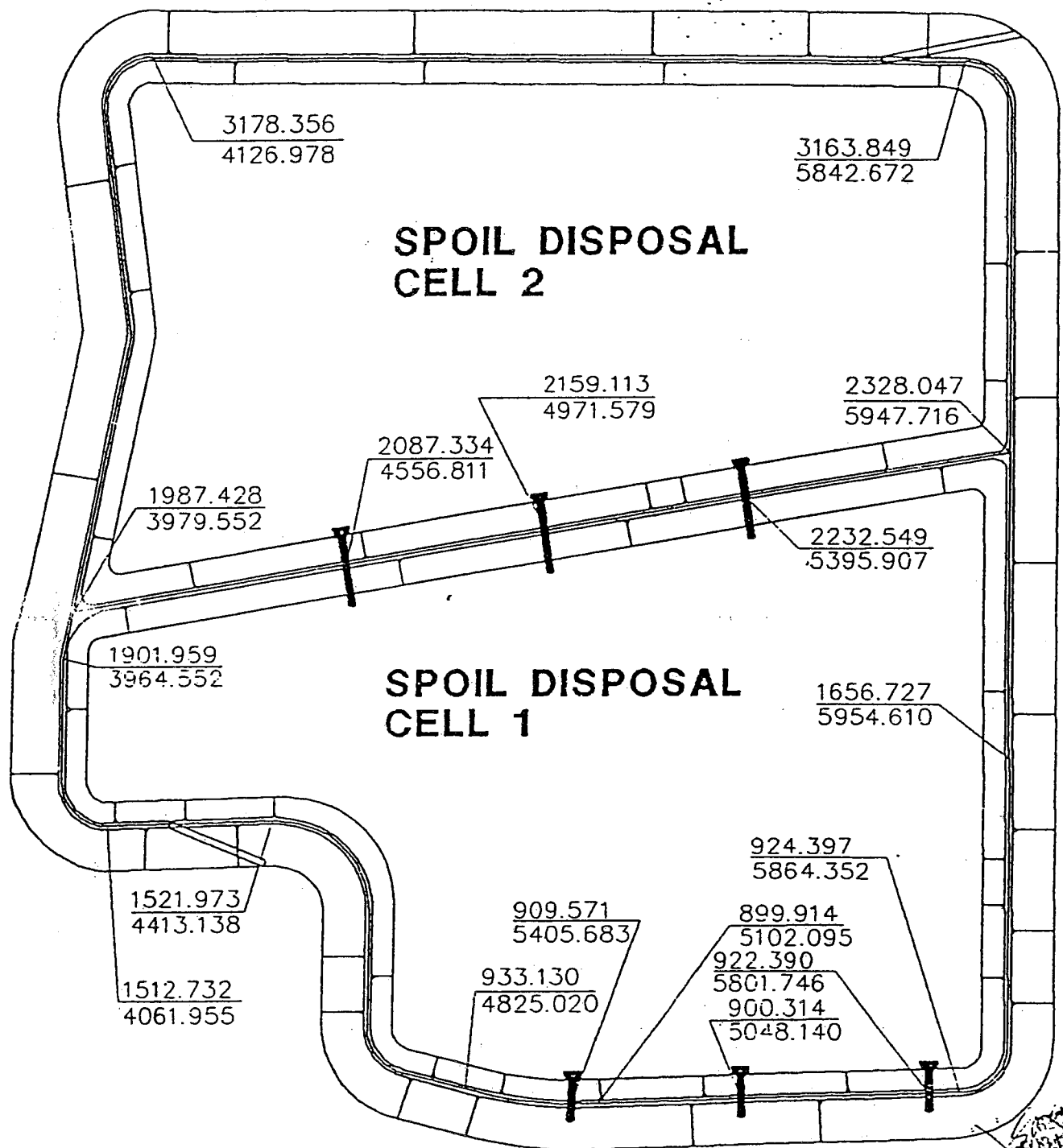


GEE & JENSON

Applicant	MANATEE COUNTY	Purpose	MAINTENANCE DREDGE
Water Body	PORT MANATEE BASIN & CHANNEL		
County	MANATEE	Original Work	<input type="checkbox"/> Maintenance <input type="checkbox"/>
Datum	NGVD 1929	Sheet No.:	13 of 13
		Date:	OCT., 1993



PERMIT NO. 412454009



**SPOIL DISPOSAL  
CELL 2**

**SPOIL DISPOSAL  
CELL 1**

### WEIR LOCATIONS

LAT 27°38'00"  
LONG 82°33'00"  
USGS QUADRANGLE MAP  
COCKROACH BAY, FLA.

PORT MANATEE BASIN & CHANNEL  
MAINTENANCE DREDGING

*Handwritten:* SUBMITTED  
2/27/94  
SERVED 8/1994



**GEE & JENSON**

Applicant	MANATEE COUNTY	Purpose	MAINTENANCE DREDGING
Water Body	PORT MANATEE BASIN & CHANNEL	Original Work	<input type="checkbox"/>
County	MANATEE	Maintenance	<input checked="" type="checkbox"/>
Datum	NGVD 1929	Sheet No.:	of
		Date:	OCT. 1993



# Department of Environmental Protection

Lawton Chiles  
Governor

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Virginia B. Wetherell  
Secretary

## CERTIFIED - RETURN RECEIPT REQUESTED

August 14, 1998

Manatee County Port Authority  
c/o Mr. James D. Moore  
Gee & Jenson E-A-P, Inc.  
One Harvard Circle  
West Palm Beach, Florida 33409

Gee & Jenson  
Coastal Dept.

AUG 18 1998

Job# 98032.10

File No. 0129291-001-EI, Manatee County  
Manatee County Port Authority  
Port Manatee Navigation and Bulkhead Improvements

Dear Mr. Moore:

We have reviewed the information that you submitted on July 16, 1998, for an environmental resource permit. A revised request for additional information identifying the remaining or additional (**in bold print**) items necessary to complete your application is enclosed.

Thank you for your continued cooperation. If you have any questions, please contact me at (850) 487-4471, ext. 141.

Sincerely,

Lauren P. Milligan  
Environmental Specialist  
Bureau of Beaches and Coastal Systems

Enclosure

cc: David McDonald, Manatee County Port Authority  
Robin Lewis, Lewis Environmental Services, Inc.  
Allen Burdett, DEP, Southwest District  
Randy Cooper, DEP, Southwest District  
Rose Poynor, DEP, Southwest District  
Randy Runnels, DEP, Southwest District

**Manatee County Port Authority**

**File No. 0129291-001-EI**

**August 14, 1998**

**Page 2**

Mary Duncan, DEP, BPSM  
Fritz Wettstein, DEP, DMR  
David Crewz, DEP, FMRI  
Kevin Peters, DEP, FMRI  
David Dale, NMFS, St. Petersburg  
Deborah Manz, USFWS, Tampa  
Michael Nowicki, USACOE, Jacksonville District  
Christine Bauer, USACOE, Jacksonville District  
Jerry Scarborough, USACOE, Jacksonville District  
Suzanne Cooper, TBRPC, ABM  
John Meyer, TBRPC, IC&R  
Peter Clark, Tampa Bay Watch, Inc.  
Gloria Rains, ManaSota - 88, Inc.  
Tom Reese, ManaSota - 88, Inc.

Date Requested: August 14, 1998

File Number: 0129291-001-EI

Applicant: Manatee County Port Authority

**REQUEST FOR ADDITIONAL INFORMATION**  
(Chapters 62-330 and 62-343, Florida Administrative Code)

**Part I**

- [ 07/16/98 ] 1. Please publish the enclosed Notice of Application. Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., the applicant is required to publish this notice one time only, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Section 50.011 and 50.031, F.S., in the counties (Manatee and Hillsborough) where the activity is to take place. The applicant shall provide proof of publication to the DEP, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 310, Tallahassee, Florida 32399-3000. Failure to publish the notice and provide proof of publication may result in the denial of the permit.
- [ 07/16/98 ] 2. Provide a vicinity map indicating clearly the location of your project, relative to the Tampa Bay area.
- [ 07/16/98 ] 3. Provide detailed geotechnical information, similar to that provided previously for Phases I and II, for the material to be excavated in Phase III.
- [ ] 4. Provide detailed information concerning measures that will be taken to prevent sedimentation of adjacent biological resources in Tampa Bay (i.e. turbidity screens surrounding Phases II and III, similar to those depicted on Sheet No. 2 of 8 ?). See **Item No. 12.**
- [ 07/16/98 ] 5. Provide detailed information concerning measures that will be taken to prevent erosion of the shoreline adjacent to the project areas.
- [ ] 6. Provide a detailed description and survey map of all submerged land, wetland, and upland characteristics within the dredge, fill, and upland excavation areas, including: submerged, emergent, wetland, and upland vegetation, oyster beds, hard or soft corals, sponges, or other biological resources. On the map(s) clearly outline and label the individual areas, overlay the proposed project, and distinguish between all areas of temporary and permanent impacts with shading or cross-hatching. List total acreages and acreages of temporary and permanent impacts for each resource

Request for Additional Information

File No. 0129291-001-EI

Page 2

classification. Mitigation will be required for destruction of natural resources. See Item No. 12.

- [ 07/16/98 ] 7. Provide an analysis of the stability of the turning basin and widener slopes when subjected to storm waves and ship wakes. Also, clarify how the presence of limestone near the surface (after dredging) will prevent the sloughing of softer sediments supporting seagrasses adjacent to these areas. This issue is important in our evaluation of secondary impacts to seagrasses which may result from the project. How will damage to surrounding seagrasses be minimized? Is this type of damage included in the calculation for the expected seagrass loss?
- [ 07/16/98 ] 8. Please address changes and increases in use at Port Manatee as a result of this project. Provide a detailed statement describing the proposed upland uses and activities. Provide details regarding the number and size (length and draft) of vessels currently using the port and anticipated to use the subject areas after dredging. Provide details on any commitments from the shipping industry to utilize the expanded port facilities.
- [ 07/16/98 ] 9. Has the project ever been reviewed through the Governor's Office of Planning and Budgeting, State Clearing House as a requirement of OMB Circular A-95, Presidential Executive Order 12372, or the National Environmental Policy Act (NEPA) or the Coastal Zone Management Act (CZMA)? If yes, please provide the State Application Identifier (SAI) number and pertinent information regarding the results of the review.
- [ ] 10. The upland development for Phase III (Berth 12) has not been determined to be exempt from the need to provide stormwater treatment. DEP engineering staff and SWFWMD agree that the Bruce Wirth letter may only exempt the applicant from the surface water rules (quantity) not water quality. Facilities that discharge to a tidally influenced waterbody do not require attenuation, but do require stormwater quality treatment. **Please provide detailed information on the proposed Comprehensive Stormwater Management Plan as discussed at the August 7, 1998, ABM review committee meeting and August 10, 1998, DEP stormwater meeting.**
- [ ] 11. Please be advised: Permitting staff have concerns regarding the direct, secondary, and cumulative impacts of the proposed project and recommend you explore project modifications that would reduce or eliminate these impacts. Staff have discussed proposed modifications

during pre-application consultation and request a feasibility assessment of project alternatives to the proposed construction that meet the stated objectives while minimizing adverse environmental impacts. Pursuant to Section 3.2.1.1 of the SWFWMD Basis of Review for ERP Applications, the Department must first explore project modifications that would reduce or eliminate the adverse environmental impacts of the project prior to approval of mitigation.

- [ ] 12. Mitigation: In order to obtain both maximum potential mitigation success and beneficial use of the dredged material, the Department encourages the development of a plan incorporating many of the previously discussed mitigation alternatives. Location, design, stability, and seagrass recruitment success of the mitigation areas may be dependent upon a hydrographic/hydrologic engineering analysis of the various options proposed. Upon receipt and review of the updated mitigation plan, additional information may be necessary to complete our evaluation of the proposed mitigation work. The enclosed forms are provided by the Department to assist in developing a final mitigation plan. The mitigation plan should include the following:

- [ ] a. Detailed, descriptive submerged land/wetland/upland cover type maps showing the mitigation construction areas, staging areas, pipeline corridors, etc.
- [ ] b. Plan view and cross-sectional drawings showing pre- and post-construction conditions and depicting site bathymetry or topography (drawings should reference mean low water and mean high water on-site).
- [ ] c. Construction narrative and details (including pipeline placement).
- [ ] d. Fill, dredging, grading, mucking, mulching, planting, and vegetation monitoring plans until vegetative success.
- [ ] e. Details on methods of seagrass transplantation, including quantities of seagrasses to be transplanted. How much of the existing biomass will be salvaged? The DEP Bureau of Protected Species Management recommends the transplanting and monitoring procedures for restoration projects found in *A Guide to Planting Seagrasses in the Gulf of Mexico* (1994), written by Mark S. Fonseca. Copies can be obtained from: Editorial Section, National

Biological Survey, National Wetlands Research Center, 700  
Cajundome Blvd., Lafayette, LA 70506.

- [ ] f. Long-term management plans for maintaining the mitigation wetlands (i.e. alternate fill, grading, and planting plans, maintenance of wetland site hydrology, removal of exotic/nuisance vegetation within wetland mitigation areas, etc.).

g. Seagrass Transplantation/Restoration

Please be advised: the applicant has not yet submitted sufficient evidence to support the conclusion that the mitigation plan, as currently proposed, provides an overall net environmental improvement to the area around Port Manatee. Of particular concern is the net loss of productive shallow-water habitat, vegetated and unvegetated. Section 373.414(1)(b), F.S., and Section 3.3 of the SWFWMD Basis of Review for ERP Applications, require that proposed mitigation offset the adverse impacts of the project.

The applicant has not demonstrated adequate mitigation for the proposed loss of 26.74 acres of shallow bay bottom and 15.70 acres of seagrass beds. Suitable compensation for the elimination of shallow bay bottom habitat has not been offered. In addition, seagrass transplantation/colonization success is dependent on site hydrology, site preparation, transplanting techniques, site selection and stock source, as well as other climatic factors beyond the control of the applicant. Due to the significance of and difficulty in re-establishing seagrass habitat (especially *Thalassia testudinum*), seagrass impacts are generally avoided, or alternatively, appropriately high mitigation ratios are required by the Department with demonstrated success prior to construction.

The current plan will (temporarily) impact seagrass habitat immediately upon initiation of seagrass removal from the proposed dredging areas. Also, the applicant has not provided affirmative data to support transplantation within the specified areas. Data is not available to confirm the reasons for transient vacant areas within the seagrass beds, the appropriateness of planting these vacancies, or seagrass transplanting success. A certain amount of risk is assumed and a temporary loss of function is expected; therefore, additional compensation is required.

- [ ] 1) Provide a detailed and specific description of the existing circulation patterns in the vicinity of the proposed breakwater and all transplanting areas.
- [ ] 2) Provide further detail on the timing and staging of the project; equipment utilized; methods of harvesting, storage, transporting, and planting; and methods for controlling turbidity.
- [ ] 3) Provide a detailed analysis of additional suitable seagrass transplantation and colonization sites.

**h. Piney Point Seagrass Restoration**

Please be advised: members of the TBRPC Agency on Bay Management and Department staff recommend that only the end of the sand spit point be removed to reduce mangrove impacts, promote cove habitat diversity, and improve circulation within the cove.

- [ ] 1) Provide details on the timing and staging of the project, the method of excavation, the amount of material to be excavated, the disposal site, method of disposal, and methods for controlling turbidity.
- [ ] 2) Provide construction details and drawings of the dredging necessary to prepare Transplant Areas # 4, 5, and 6 for planting.
- [ ] 3) Provide details on the proposed point stabilization techniques/structures.

**i. Breakwater Seagrass Restoration**

Members of the TBRPC Agency on Bay Management and Department staff recommend that the breakwater be designed to allow tidal flow and fish to pass through the structure without causing scour, erosion, excessive shoaling, or sand spit formation.

- [ ] 1) Provide a hydrographic engineering analysis of the structure per the above concerns and Item No. 12.g.(1)



**Request for Additional Information**

**File No. 0129291-001-EI**

**Page 6**

- [ ] 2) Provide harvesting details and locations of the source seagrass beds for Transplant Area # 7.

**j. Spoil Island - Seabird Nesting Area Creation**

Members of the TBRPC Agency on Bay Management and Department staff recommend that the Port work with the Department and National Audubon Society to develop a seabird nesting area construction plan that minimizes adverse impacts to local water quality and snook spawning habitat.

- [ ] 1) Provide details on measures that will be taken to prevent sedimentation and turbid discharge from the proposed spoil island disposal site (i.e. turbidity screens, basin volume, outfall details, decant retention time, etc.).
- [ ] 2) Provide details on the existing shoreline topography and vegetation planting plans. How will the plantings be protected from the high wave/wind energy forces that affect the island shoreline?
- [ ] 3) Provide detailed information on long-term management of the island to control predatory species (raccoons).

**k. Spoil Island - Tidal Lagoon Mangrove Enhancement**

Members of the TBRPC Agency on Bay Management and Department staff recommend that the Port work with the Department to develop a lagoon enhancement plan that includes additional bay connections and tidal ponds. The proposed project should also minimize adverse impacts to existing sand spit habitat.

- [ ] 1) Provide details on the timing and staging of the project, the method of excavation, the amount and type of material to be excavated, the disposal site, method of disposal, and methods for controlling turbidity.
- [ ] 2) Provide a detailed and specific report of the present hydraulic loading for the existing system and a detailed and specific description of the anticipated or projected hydraulic loading for the proposed dredged system.

Include maximum/minimum fluctuations in flow volumes, maximum mid-tide velocities and volumes, tidal range and periodicity.

1. Little Redfish Creek Restoration

Members of the TBRPC Agency on Bay Management and Department staff recommend that the Port continue to work with the Department to develop a suitable design for effectively restoring oligohaline habitat in the vicinity of Little Redfish Creek. It is recommended that the Peanut Lake basin be maintained as a separate basin and that alternative Round Pond-creek-Tampa Bay connections be explored. The proposed project should also minimize adverse impacts to existing saltern habitat.

[ ]

- 1) Provide details on the timing and staging of the project, the method of excavation, the amount and type of material to be excavated, the disposal site, and method of disposal.

[ ]

- 2) Provide a detailed and specific report of the present hydraulic loading for the existing system and a detailed and specific description of the anticipated or projected hydraulic loading for the proposed dredged system. Include maximum/minimum fluctuations in flow volumes, maximum mid-tide velocities and volumes, tidal range and periodicity.

[ ]

- 3) Provide a detailed engineering analysis of all upstream existing and proposed stormwater treatment facilities, as required for post-construction protection of water quality in the receiving waterbodies (the Comprehensive Stormwater Management Plan).

[ ]

- 4) Per the previous Peanut Lake basin restoration project and recent site visits, limestone may be located  $\pm 2-3$  ft. below the surface within the proposed creek excavation area. Has this been considered in the proposed plan?

[ ]

- 5) Provide a detailed pre- and post-construction description, topographic plan view drawing(s), and

cross-sectional drawings of the area hydrologically influenced by the proposed project (possible vegetative restoration/enhancement?).

[ ]

- 6) Provide detailed information concerning measures that will be taken to prevent sedimentation and turbid discharge from the proposed creek excavation area during and post-construction.

[ ]

- 7) A conservation easement will be required over the Hendry Tract mitigation area. Please provide a survey sketch and legal description of this area. Refer to the enclosed conservation easement package for specific requirements and information. Recording will be prior to final authorization of your project. Do not record the conservation easement in the public records until you are advised to do so by the Department.

m. Vessel Idle Speed Zone - Seagrass Protection Area

Management agreements may be issued to governmental entities, nonprofit and nonrevenue-generating conservation, education, charitable, recreation or scientific groups for the management of sovereign, submerged lands for educational, recreational, scientific research, resource protection/enhancement, or stewardship of public lands activities.

How will the management agreement area be implemented locally? A local ordinance has been proposed; however, the Manatee Protection Strategies Task Force has publicly recommended less restrictive zoning in this area. Though speed zones typically facilitate manatee and seagrass protection, the public review and hearing process does not guarantee the implementation of these zones, especially in light of Task Force recommendations and proceedings.

[ ]

- 1) Provide a detailed plan of the proposed management objectives and explain how those objectives will be achieved. The plan should minimally include:  
(a) background information related to the management problem/issue; (b) methods of achieving the management objectives; (c) any proposed structures or

physical alterations to the sovereign, submerged lands (i.e. boat ramp, channels, buoys, navigational markers, and signage); and (d) methods of monitoring achievement of management objectives. The plan will be made a part of the management agreement if your request is approved.

[ ] 2) Provide a site plan showing all proposed and existing structures/activities (i.e. boat ramp, channels, buoys, navigational markers, and signage) within the management agreement area.

[ ] 3) Provide a legal description of the area to be encompassed by the management agreement.

[ ] 13. Provide information on the effects of the proposed mitigation plans on adjacent Terra Ceia and/or Cockroach Bay Aquatic Preserves state lands, water quality, and biological resources. See Item No. 12.

[ 7/16/98 ] 14. Describe the fendering system proposed for all new and replaced bulkhead within the project area. Sheet No. 7 of 8 states that fender size, type, and configuration are to be determined during final construction. If so, will they provide a minimum of four feet standoff under maximum compression? Will the fenders be above the mean high water line? If not, how does the applicant intend to reduce the potential risk of manatees being crushed between the bulkhead and mooring vessels?

[ ] 15. Describe the canal that runs adjacent to South Dock Street. The proposed project appears to fill in the mouth of this canal. If the canal is presently open, is it possible for manatees to travel into the canal? **How will the canal be modified as part of this application?**

[ ] 16. The application states that the standard manatee construction conditions will be followed, but the applicant does not intend to agree to any restrictions on nighttime in-water activities. Manatee aerial survey data suggests that manatees use this area, particularly the seagrasses around the spoil island and the immediate vicinity of the Port during all times of the year. The standard manatee conditions require that equipment (such as vessels or dredges) shut down if a manatee comes within 50 feet. Manatees are difficult to spot during the day, and are virtually impossible to spot at night. How does the applicant intend to comply with the

standard conditions if work is performed at night?

- [ ] 17. The application also states that blasting may also be required to achieve the desired project depth. The manatee precautions offered by the applicant in the application for blasting includes a "danger zone" with a survey by at least two observers in waterborne small craft. Previous experiences with in-water blasting demolition indicate that the best platform for observation is by aerial survey, with an experienced manatee observer. This, of course, depends on the amount of explosives used and the radius of the danger zone. Past manatee watch programs have sighted manatees within the danger zone, and the only observer that saw animals was the aerial observer. In research activities, it is difficult for experienced manatee biologists in watercraft to find animals, even when directed to a specific location by an aerial observer. It is our opinion that the proposed precautions are not sufficient for manatee protection. Enclosed are typical blasting conditions that are usually required for such activities. The details of the manatee watch program are site-specific and may be modified. If these measures are not acceptable, please discuss alternative proposals to reduce the potential impacts to manatees and turtles by blasting activities.

#### FOR YOUR INFORMATION

Your project is in Class II Waters, prohibited for shellfish harvesting. According to 373.414(1), F.S., you must provide reasonable assurance that state water quality standards applicable to waters, as defined in 403.031(13), F.S., will not be violated. The specific state water quality standards for Class II Waters are contained in F.A.C. Rules 62-302.500, 510, and 530. The specific state water quality standards for Outstanding Florida Waters are contained in F.A.C. Rule 62-4.242.

Your project may be located within or adjacent to manatee habitat and the Terra Ceia and Cockroach Bay Aquatic Preserves and may be affected by comments from those entities having special interest in the project. Modifications to your project may be necessary upon receipt of the requested comments.

An inspection of the project site may be conducted to determine and evaluate the resources expected to be impacted. Project modifications may be required following the inspection.

In addition, you must provide reasonable assurance that this activity is not contrary to the public interest. However, if an activity significantly degrades or is within an Outstanding Florida Water (OFW), that project must be shown to be clearly in the public interest. Your project is not within

an OFW. In determining whether a project is not contrary to the public interest, the Department will consider and balance the following criteria:

1. Whether the project will adversely affect the public health, safety, or welfare or the property of others;
2. Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
3. Whether the project will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
4. Whether the project will adversely affect the fishing or recreational values or marine productivity in the vicinity of the project;
5. Whether the project will be of temporary or permanent nature;
6. Whether the project will adversely affect or will enhance significant historical and archaeological resources under the provisions of section 267.061; and
7. The current condition and relative value of functions being performed by areas affected by the proposed activity. [See 373.414, F.S.]

The Department, in deciding to grant or deny a permit, shall consider measures proposed by or acceptable to the applicant to mitigate adverse effects which may be caused by the project. If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the Department shall consider mitigation measures proposed or acceptable to the applicant that cause net improvement of the water quality in the receiving body of water for those parameters which do not meet standards. Before considering mitigation, all practicable measures must first be taken to reduce the adverse effects which otherwise render the project unpermissible.

### **LEASE AND PUBLIC EASEMENT**

(Chapters 18-20 and 18-21, Florida Administrative Code)

#### **Part II**

- [            ] 1. Provide evidence of title to the riparian upland property south of the TIITF Dedication Area in the form of a recorded deed, title insurance, or a legal opinion of title which includes riparian rights. Evidence submitted must demonstrate that the applicant has sufficient title interest in the riparian upland property. **The deed submitted does not cover the entire tract.**

If you are requesting to construct outside your riparian property lines, the adjacent affected riparian owner must enter into the lease as a co-lessee.

- [ 07/16/98 ] 2. Provide a statement from the Department of Community Affairs indicating whether or not your project, including associated development activities on the upland property, will require review as a Development of Regional Impact (DRI). If a DRI review is required, please be advised that we will be unable to continue processing your application until you have provided evidence of DRI approval in the form of a Development Order or Preliminary Development Agreement.
- [ ] 3. Provide either a copy of your local government permit, a copy of an intent to issue a permit from your local government, or a statement from your local government which explicitly indicates that the proposed project is consistent with the local government's comprehensive plan and the Port Master Plan, detailing the proposed project adoption in the coastal element of the comprehensive plan. Please submit a complete copy of the adopted Port Master Plan.
- [ 07/16/98 ] 4. Provide a detailed statement describing the existing and proposed upland uses and activities. For projects sponsored by local governments, indicate whether or not the facilities will be open to the general public, on a first-come, first-served basis. Provide a detailed breakdown of any fees that will be assessed, and indicate whether or not such fees will generate revenue or simply cover costs associated with maintaining the facilities.
- [ 07/16/98 ] 5. Provide the linear footage of shoreline owned by the applicant which borders sovereign submerged lands.
- [ ] 6. Provide details on the width of vessels that will utilize Berths 4, 5, 11, and 12. This information is necessary to determine the area preempted by vessels moored at these berths over sovereign submerged lands not covered by the TIITF Dedication. The area preempted will require a lease, the remaining turning basin and channel widener submerged lands will require a public easement.
- [ ] 7. A certified, sealed survey of the lease and public easement areas will be required. Refer to the enclosed package (SLER 0950) for specific survey requirements and information. **Staff are considering your request to defer this item pending agency action.**

**Request for Additional Information**

**File No. 0129291-001-EI**

**Page 13**

- [ 07/16/98 ] 8. Complete and return the enclosed data sheet (SLER 0910) which provides billing information, sales tax information, and other data required pursuant to Section 24.115(4), Florida Statutes.





**GEE & JENSON**  
Engineers • Architects • Planners, Inc.  
SINCE 1951  
One Harvard Circle  
West Palm Beach, FL 33409  
Telephone (561) 683-3301  
Executive Fax (561) 697-3892  
Fax (561) 686-7446

January 15, 1999

HAND DELIVERY

Lauren P. Milligan, Environmental Specialist  
Department of Environmental Protection  
Bureau of Beaches and Coastal Systems  
3900 Commonwealth Blvd., Mail Station 310  
Tallahassee, FL 32399-3000

Re: Response to Request for Additional Information  
Application No. 0129291-001-EC, Manatee County  
Port Manatee Navigation and Berth Improvements  
Applicant: Manatee County Port Authority

Dear Lauren:

We are pleased to report that we have found a way to modify the proposed improvements to reduce seagrass impacts by 3 acres (19.1% reduction from the previous proposal, 34.5% reduction from the original proposal). We accomplished this avoidance and minimization of seagrass impacts with a new layout which actually results in a slight reduction in previously estimated replacement of shallow bay bottoms with deep-water habitat, and only a slight increase in mangrove impacts (0.2 acre). As an added benefit, more upland area is replaced with deep-water habitat. The result is not only decreased environmental impact, but also, improved navigational safety and Port functionality and marketability, which will further benefit the local community, the region, and the State.

In addition to greatly reducing impacts, we have dramatically improved the mitigation plan, creating a project that, in the end, provides a net benefit to the environment, on all counts, on an even greater scale than previously proposed.

Details on the revised project are provided in this package, which also contains our responses to your Request for Additional Information (RAI) dated August 14, 1998. These recently conceived revisions are simply modifications made in response to comments we've received from other parties and your request for further consideration of avoidance and minimization of impacts, and for improvements to the mitigation plan.

Enclosed for your review are the following permit application documents:

1. Summary document: Revisions to Proposed Navigation Improvements, with attached thumbnail sketch
2. Responses to the RAI, ordered and numbered as in the RAI

3. Certified, revised permit application sketches, 23 sheets
4. Certified storm water management calculations - the plan is shown in the permit application sketches
5. A copy of our previous alternatives analysis
6. Updated Berth Utilization Analysis
7. Revised mitigation plan prepared by Robin Lewis (in collaboration with National Audubon Society on the spoil-site portion), with attachments
8. National Audubon Society report on the spoil island with recommendations for the mitigation plan
9. 11" X 17" plan sheet showing the project and mitigation details, superimposed on a color rectified-vertical-aerial-survey photograph

As is probably betrayed by the jubilant tone of this letter, we are confident that we have forged a project of which the environmental community can be proud. These improvements have been made in the spirit of the Port's role in environmental stewardship, and are expected to speed the process of project approval. Therefore, in the interest of establishing a timeframe for closure, we hereby declare this application complete. That is not to say that we are not willing to collaborate further. We look forward to receiving your comments.

Sincerely,



George F. Isiminger, P.E.  
Senior Associate

GFI:cw

Enc. as stated

98032.10

cc: David McDonald, MCPA      Bill Tiffany, MCPA  
Bill Fay, MCPA Attorney      Robin Lewis, LES  
Steve Lewis, Esq.      Jerry Scarborough, COE Project Manager  
Mike Nowicki, COE West Permits (File # 199801210 (IP-MN))

## Revisions to Proposed Navigation and Berth Improvements

The proposed navigation improvements have been modified in response to requests for further consideration of avoidance and minimization of impacts. The modifications are shown on the attached thumbnail sketch. The orientation of proposed Berth 12 has been rotated inland to shift dredging from heavily vegetated seagrass beds to uplands. The angle of rotation is the optimum for reduction of seagrass impacts. This is done at the expense of valuable upland area.

The turning basin has been shifted from the access-channel/COE-widener area to the north side of the access channel, where the water is deeper and vegetation is relatively sparse. The new turning basin overlaps the access channel and the navigation area for access to Berths 4 and 5, thereby minimizing the area to be dredged strictly for vessel turning maneuvers. The basin provides for much safer access to Berths 4 and 5, and much safer navigation for any vessel requiring a turning maneuver.

Since the new turning basin is in alignment with reoriented Berth 12, the previously proposed COE widener on the south side of the access channel could be removed, saving another heavily vegetated seagrass bed.

This layout actually results in a slight reduction in previously estimated replacement of shallow bay bottoms with deep-water habitat, and only a slight increase in mangrove impacts (0.2 acre). As an added benefit, more upland area is replaced with deep-water habitat.

### Summary of changes in impacts

#### Seagrass impacts

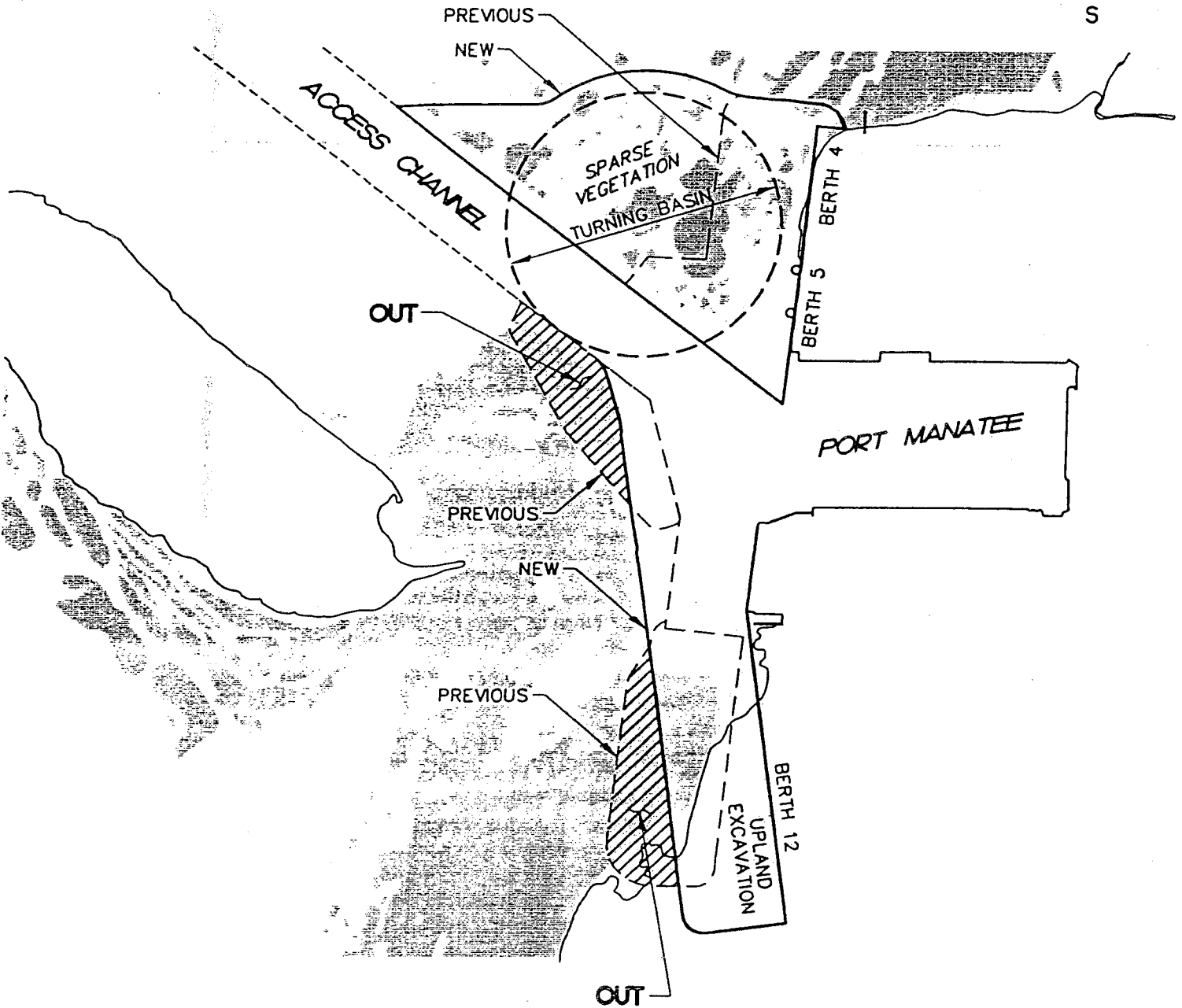
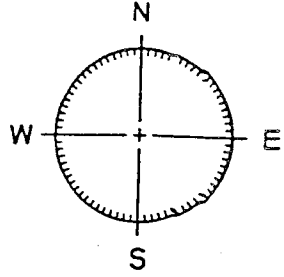
Previous proposal	15.70 acres
New proposal	12.70 acres

#### Shallow bay bottom impacts

Previous proposal	42.49 acres
New proposal	42.19 acres

#### Mangrove impacts

Previous proposal	1.97 acres
New proposal	2.18 acres



DESIG.
DRAW
CHKD
APRV
DATE

PORT MANATEE  
NAVIGATION & BERTH  
IMPROVEMENTS  
ILLUSTRATION OF REVISIONS

DATE	APRV	REVISION

SCALE	SHOWN
JOB #	98032.10
SHEET	1 OF 1

Responses  
to  
DEP Request for Additional Information (RAI)  
Dated August 14, 1998  
File #0129291-001-EI  
January 15, 1999 Submittal

Part I

**4. Sedimentation Prevention Measures**

Turbidity screens will be deployed as necessary to prevent sedimentation of adjacent biological resources in Tampa Bay, including those that will have been planted as part of the proposed mitigation. The turbidity screens will be installed as necessary during all dredging operations, including construction dredging and scrape-down for mitigation construction, between dredging operations and adjacent shallow areas. They will remain in place until turbidity subsides, to ensure compliance with state water quality standards wherever biological resources are present. The boundaries to be screened are shown on the enclosed revised permit-application sketches.

**6. Submerged Land, Wetland and Upland Characteristics**

We have expanded the mapping of resources, as requested. In addition to the previously provided seagrass mapping, which constitutes the resource mapping of the submerged areas, the enclosed revised permit-application sketches provide mapping of upland biological resources. The sketches show FLUCCS mapping performed by Lewis Environmental Services, covering all upland areas of the project except the spoil island. Mapping of biological resources on the spoil island was performed by National Audubon Society, and is also shown on the sketches.

**10. Storm Water Treatment**

As stated in our last submittal, the applicant agrees to prepare a comprehensive storm water management plan covering all of the developed areas of the port. The port would agree to a permit condition requiring preparation of the plan within six months after permit issuance. Additionally, we are proposing storm water treatment, as part of this project, for runoff from areas to be improved as part of this project. The proposed storm water management improvements are shown on the attached revised permit application sketches, and on a separate plan. Calculations of treatment parameters are also enclosed.

**11. Avoidance and Minimization**

As indicated, we have conceived a modified layout which reduces seagrass impacts by 3 acres (19.1% reduction from the previous proposal, 34.5% reduction from the original proposal). This new layout actually results in a slight reduction in previously estimated replacement of shallow bay bottoms with deep-water habitat, as well. As an added benefit, more upland area is replaced with deep-water habitat.

The loss of uplands and additional dredging cost are considered extremely burdensome, but manageable in light of the avoidance and minimization of environmental impact provided, as well as the improvement in navigation safety.

The revised layout is shown in the attached revised permit application sketches.

The angle of rotation of proposed Berth 12 is the optimum for reduction of seagrass impacts. More obtuse angles produce less reduction, because they shift less dredging to upland areas. More acute angles produce more impacts due to the need for dredging in heavily vegetated areas for access, instead of in the relatively sparse area chosen. A copy of our previous alternatives analysis, in which some of these scenarios were considered, is attached for reference. Positioning a more acutely rotated berth farther to the north to avoid the impact, as has been suggested, would be unacceptable, as it would not serve the intended purpose of the improvements. Too much proximal upland area would be lost. Deep-water berths are useless without adequate adjacent upland area to support them.

To better demonstrate the need for the berths, we have enclosed an updated Berth Utilization Analysis.

## **12. Mitigation**

The proposed mitigation plan has been dramatically improved. The detailed description of the mitigation plan, as prepared by Robin Lewis, is attached. The permit sketches have been revised to show the revised mitigation proposal.

Section 3.1.0 of the SWFWMD Basis of Review for ERP Applications provides that permit criteria be implemented in a manner which achieves a programmatic goal and project permitting goal of no net loss of wetlands or functions, which our proposed mitigation plan clearly achieves. Moreover, with a combined ecosystem approach of restoration, enhancements, creation, preservation and long term management, there will be a net improvement of wetlands and other surface water functions in the Port Manatee area. Section 3.1.1 recognizes that a combined mitigation approach is an acceptable approach to offset adverse impacts.

Section 3.2.2 of the Basis of Review specifically acknowledges that the ratio set forth is guidelines for planning purposes. The Basis of Review provides that creation and restoration provide similar benefits with the general preference for restoration since there is a greater chance of success. See Section 3.3.2.1.1. Ratio guidelines vary, depending upon the type of wetland. We are proposing to restore 20.4 acres, that have been destroyed by prop dredging or fill, with seagrasses. This has been clearly documented by DEP's own mapping reports and aerial photography. We are also proposing creation of 7.0 acres of seagrasses. There is no doubt that the areas proposed for seagrass creation and restoration will support future seagrass communities. This conclusion is based upon the fact that we are creating and restoring seagrasses in the same habitat, proximity and elevations as existing seagrass communities. We believe that reasonable assurances have been provided. Neither DEP nor the ABM has provided any

documented evidence that the specific seagrass mitigation proposed will not be successful, other than general comments.

To summarize, the combination of the restoration and creation of seagrasses will provide \_\_\_\_\_ acres of seagrass at a ratio of approximately 2:1. The type of seagrass mitigation proposed has been documented to be successful and clearly meets the reasonable assurance requirements as set forth in the regulations. Perhaps other types of seagrass mitigation projects have not proven to be completely successful, but they cannot serve as a basis on which to conclude that we have not provided reasonable assurances to the Department that the proposed seagrass mitigation will not work. Further, the comprehensive study documented in Guidelines for the Conservation and Restoration of Seagrasses in the United States and Adjacent Waters, Fonseca, Mark S., et al. 1998, concludes that seagrass mitigation is not experimental. It will work, and we have assembled a team of experts well qualified to ensure that it does work.

For the record, we would like to note that the requirement for reasonable assurances is not a requirement for a 100% guarantee that something will be successful. That is acknowledged in the legal interpretation of reasonable assurances and the conditions of permits, which require monitoring, evaluation and corrective measures, if necessary. In this instance, we are extremely confident that the seagrass restoration will work.

### **13. Impact of Mitigation Plan on Adjacent Aquatic Preserves**

The enclosed mitigation plan addresses the effects of the proposed mitigation plans on the adjacent Terra Ceia and/or Cockroach Bay Aquatic Preserves state lands, water quality, and biological resources.

### **15. Canal Modification**

The canal that runs adjacent to South Dock Street is a vegetated ditch. Culverts through an upland plug connect the existing canal to the Bay. As proposed, the canal will be similarly connected to the bay by culverts through the existing upland plug and the proposed bulkhead. The canal will likely be cleaned out as part of the project. An existing culvert crossing will be relocated and replaced with a box-culvert crossing. No other modification is proposed. It is not considered likely that manatees would travel through the culverts to gain access to the canal. However, if deemed appropriate, the culverts can be grated.

### **16. Manatee Protection at Night**

The applicant intends to comply with the standard manatee conditions during night operations by lighting the area of construction within a one-hundred foot radius around construction activities. This provision is in addition to those offered in our previous response.

## **17. Blasting**

If blasting is necessary, it will only be performed during daylight hours. Additionally, an aerial observer will be used to spot any manatees in the area prior to any blasting activities. These provisions are in addition to those offered in our previous response.

## **Part II**

### **1. Ownership of Riparian Upland Property**

The applicant entered into an Agreement of Purchase and Sale with FPL, the owner of the riparian upland property in question, on December 15, 1998, to acquire the property. Proof of ownership will be provided after the closing.

### **3. Local Government Approval**

The Manatee County Port Authority considers the project consistent with the current Manatee County Port Authority Master Plan (Port Master Plan). The Port Master Plan has been revised by the Manatee County Port Authority and by the Manatee County Commission by a motion approved December 15, 1998. The revised Plan more specifically includes the proposed project. The approved revised Port Master Plan includes the following policy:

Policy 2.1.1.2: Commence the permitting process for the enlargement of Berth 12 and pursue construction/dredging for navigational access to the Zone A portion of the Hendry Tract. The precise size and location of the berth will be determined by the federal, state, regional and local permitting processes and shall be consistent with the Manatee County Comprehensive Plan.

The revised Port Master Plan and Manatee County Comprehensive Plan, of which the Port Master Plan is a component, are presently before the Department of Community Affairs (DCA). Approval is expected in the near future. Documentation will be provided, when available.

### **6. Vessel Widths**

Vessels up to 153 feet wide are anticipated to utilize berths 4, 5, 11 and 12. The pre-empted area not covered by the TIITF dedication will be included in the lease area, if that is the chosen instrument.

### **7. Lease and Easement Survey**

As previously indicated, we request that requirement for a lease survey be deferred. The necessary surveys will be provided, with ample time for agency review, prior to any construction activities.





**EE & JENSON**

DESIG. *GA*  
 DRAW *GCO*  
 CHKD *GA*  
 APRV *GA*  
 DATE *11/1/99*

BERTH & NAVIGATION IMPROVEMENTS  
 MANATEE COUNTY PORT AUTHORITY  
 PORT MANATEE, FLORIDA  
 SEAGRASS INVENTORY

DATE	APRV	REVISION	

SCALE none  
 JOB # 98032.10  
 SHEET 1 OF 23

TAMPA  
BAY

SCALE IN FEET

0 2000 4000

# PLAN PROJECT OVERVIEW

HILLSBOROUGH COUNTY  
MANATEE COUNTY

**SPOIL  
ISLAND**

20  
0  
-20  
-40

ELEV. (FEET)  
REF MLW

EXISTING BOTTOM

-40' + 2' -  
ALLOWABLE  
OVER DEPTH

SCALE IN FEET

0 400 800

SECTION G-G

### PROPOSED EXCAVATION



**LEE & JENSON**

DESG. JDM
DRAW GOO
CHKD DAD
APRV GFI
DATE 2/23/98

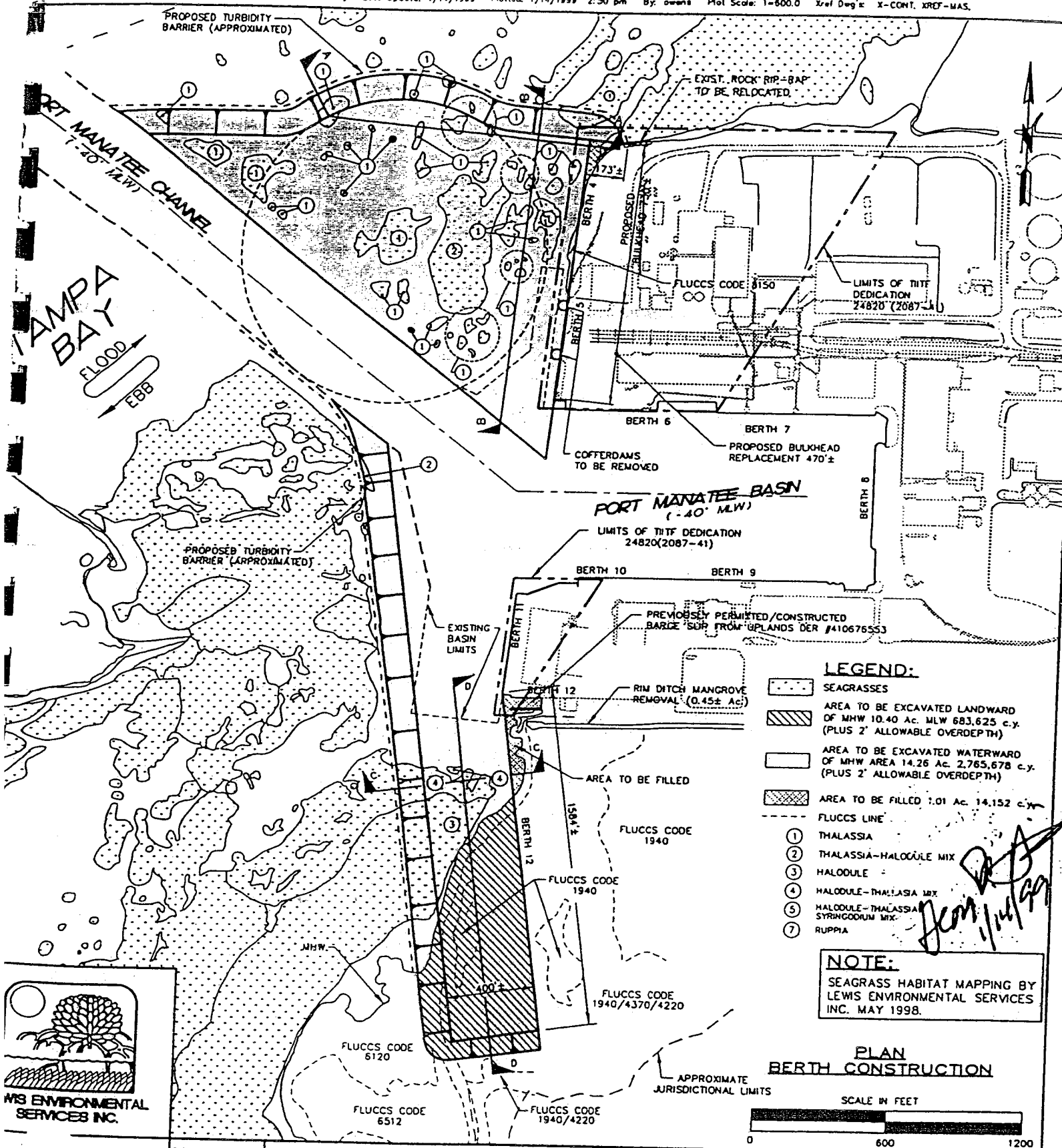
NAVIGATION & BERTH IMPROVEMENTS  
PORT MANATEE, MANATEE CO. FL  
APPLICANT: MANATEE COUNTY  
PORT AUTHORITY

SCALE SHOWN

JOB # 98032.10

SHEET  
2 OF 23

MOD. PROJECT
REVISION



**E & JENSON**

DESIG. JDM  
DRAW GOO  
CHKD DAD  
APRV GFI  
DATE 2/23/98

**NAVIGATION & BERTH IMPROVEMENTS**  
**PORT MANATEE, MANATEE CO. FL**  
**APPLICANT: MANATEE COUNTY**  
**PORT AUTHORITY**

DATE	APRV	MOO. PROJECT	REVISION
1/14/99			

SCALE SHOWN  
JOB # 98032.10  
SHEET 3 OF 23



Tampa Bay

# Manatee County Port Authority

300 REGAL CRUISE WAY, SUITE 1, PALMETTO, FL 3422

NATURE SAVER™ FAX MEMO 01618

To: Richard Goumon	Date: 5.21.02	Act. PAGE: 2
Co./Dept: USACE	From: Joe Goumon	
Phone #	Co: Port Manatee	
Fax # 904/232-2200	Phone #	Fax #

## MEMORANDUM

TO: MASTER OF M/V TOLEDO CARRIER  
Agent Carlos Gazman / Fillette Green Co.

FROM: JOHN DENMARK *JD*  
Operations and Maintenance Manager

DATE: March 20, 2002

SUBJECT: Damage to Dock at Port Manatee

At approximately 0240 hours on March 20, 2002, your vessel Toledo Carrier struck and damaged our dock during your attempt to dock at Berth 10.

This memorandum is to serve notice that the Manatee County Port Authority holds you, the vessel agent, and all other connected parties fully responsible for all damages incurred, including the cost for repairs and surveys.

JD/snb

cc: David L. McDonald  
Bebo Smith  
George Isiminger

**Manatee County Port Authority  
300 Regal Cruise Way, Suite 1  
Palmetto, FL 34221  
941-722-6621 (phone)  
941-729-1463 (FAX)**

**Date:** May 30, 2002

**To Fax #:** 203/462-5031  
Penn Maritime

**Attention:** Master of M/V Acadia/Teresa  
Agent: Jim Sweeney, Penn Maritime

**From:** John Denmark *JD*  
Operations and Maintenance Manager

**Subject:** Damage to dock at Port Manatee

**TOTAL NUMBER OF PAGES INCLUDING COVER:** One (1)

At approximately 1015 hours on May 30, 2002, your M/V Acadia/Teresa struck and damaged our dock at Berth 10.

This correspondence is to serve as notice that the Manatee County Port authority holds you, the vessel's agent, and all other connected parties fully responsible for all damages incurred, including the cost for repairs, surveys and inspections. Please make sure that all parties concerned receive a copy of the Damage Reports along with this correspondence.

If you have any questions please do not hesitate to contact me.

JD/mjt

**Cc:** David McDonald  
Bebo Smith  
George Isiminger

JOHN DENMARK

From: DAVIS VICTOR [victor.davis@sbulk.com]  
Sent: Wednesday, May 21, 2003 1:50 PM  
To: jdenmark@portmanatee.com  
Subject: Groundings

John,

As per our telephone conversation, I have come up with three incidents of groundings in the Manatee ship channel within the last five years.

3/24/03 Tug Tampa grounded while assisting the M/V Regal Empress in Manatee channel at "B" cut.  
11/10/02 M/V M. H. Blount grounded in same area.  
12/13/01 M/V Alascabalo grounded in same area.

Hope this helps.  
Vic

Vic Davis  
Vice President and General Manager  
Seabulk Towing, Inc.-Tampa  
Tampa, FL  
(813) 248-1123 or (300) 516-6203  
ext 242  
Fax (813) 248-5735  
victor.davis@sbulk.com <mailto:victor.davis@sbulk.com>

NATURE SAVER™ FAX MEMO 01015		Date	5.21.03	# of pages	2
To	Richard Bower	From	Joe Gontarski		
Co./Dept.	USACE	Co	Port Manatee		
Phone #		Phone #			
Fax #	904/232-2200	Fax #			

Additional information:

5/27/88        Neches – ran aground at the Y 13:300 – Draft 33.02  
1/08/90        Coastal 101 – aground at #4  
6/24/94        Coastal New York – aground at Y



Manatee County

Port Authority

300 REGAL CRUISE WAY, SUITE 1, PALMETTO, FL 34221 • 341-723-6621 • FAX 341-723-1453 • portoffice@portmanatee.com

NATURE SAVER™ FAX MEMO 01516		Date	5/20/03	Page	7
To	Orlando Rodriguez	From	Joe Gontarski		
Contact	USACE	Co.	Port Manatee		
Phone #		Phone #			
Fax #	904/232-2201	Fax #			

May 20, 2003

VIA FAX 904/232-2206

Mr. Richard Bonner, PE  
Deputy District Engineer  
For Project Management  
U.S. Army Corps of Engineers  
Department of the Army  
Jacksonville District Corps of Engineers  
P.O. Box 4970  
Jacksonville, FL 32232-0019

Re: Manatee Harbor Project - Vessels 900 feet Length calling Port Manatee

Dear Mr. Bonner:

This is in regard to Dr. Bory Steinberg's e-mail of May 16, 2003, on the above subject. The LRR/PAC sessions currently being conducted within the Corps in conjunction with the constant ongoing studies on the project has brought up the question that vessels in the 900-foot length overall (LOA) category drawing 40 feet of water draft calling at Port Manatee would require a greater water draft than 40 feet.

The Manatee County Port Authority has a lease agreement with Vulcan Materials Company to furnish a berth (4 and 5) to accommodate vessels, which they operate or they can have afreightment chartering contracts. Currently, the vessels fall in LOA's of 735 to 900 feet per their enclosed letter.

Other letters from port users are enclosed, which identify a need to accommodate vessels of 900 feet LOA or over from Lafarge Florida, Inc.; Martin Marietta Aggregates, Kinder Morgan, and R.K. Alf & Associates, who plan to have vessels 900 to 1,000 feet with water drafts of 36 to 38 feet call at Port Manatee. Kinder Morgan recently had to decline a vessel at 833 feet LOA due to the Pilots' length restriction of 800 feet and not because of the 40-foot water draft.

As stated by Dr. Steinberg, the LRR/PAC should reflect "reality" and the "sponsor's needs". Otherwise, the Corps and the sponsor will invest millions of dollars to produce and obsolete project from the start. The Corps may be burdened with a narrow policy

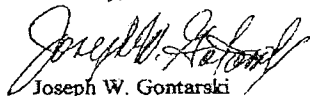


Mr. Richard Bonner, PE  
May 20, 2003  
Page Two

interpretation to develop a wasteful obsolete project; however, the sponsor is not so compelled or inclined to participate. This appears to be desk jockeys trying to dictate to navigation of vessels in/out of Port Manatee, which they have never had to do.

Richard, your efforts and your project management team are very much appreciated by the sponsor. As you know, this project cannot afford further studies generated by policy that tends to undermine and delay the objective of an implementable and safe navigation feature that is environmentally sound.

Sincerely,



Joseph W. Gontarski  
Special Assistant to Executive Director

JWG/smb  
Enclosures

cc: David L. McDonald/Executive Director - MCPA  
George Isiminger/Director of Engineering - MCPA  
Jerry Scarborough/USACE - Jacksonville  
Osvaldo Rodriguez/USACE - Jacksonville  
Dr. Bory Steinberg/Steinberg & Associates

To: Attendees

From: HDR Engineering, Inc.

Date: March 17, 2003

Subject: USACE Manatee Harbor Internal Meeting – February 24, 2002  
(10:40am – 1:45pm)

Attendees: See attached sign-in sheet

Handouts: Manatee Harbor Meeting Agenda  
Manatee Harbor, Florida Project History Package

The Manatee Harbor meeting was held in Jacksonville, Florida at the U.S. Army Corps of Engineers (USACE) District offices. The meeting followed the attached agenda and is summarized below. Jacksonville District Project team leaders met with key USACE South Atlantic Division (CESAD) and Headquarters (HQ) advisors to discuss key issues regarding project implementation, and execution. Due to time constraints and airport delays, the Opening Remarks and Project Overview agenda items were not discussed. The meeting began at 10:40am.

#### WELCOME, INTRODUCTION

Osvaldo Rodriguez, Project Manager for the USACE, welcomed all attendees and provided the meeting package and sign in sheet. Osvaldo reviewed the contents of the package and recommended that the meeting participants follow the information provided to ensure that the team was on track. Tony Leketa, CESAD-Civil and Military (CM) served as the meeting facilitator, and introduced all key advisors from the CESAD and HQ offices in attendance. Tony stated that key advisors were present in order to resolve outstanding issues and move the Manatee Harbor project forward. He added that discussions regarding two project components were necessary in order to come to agreement and move forward. The dike component being raised to 55 feet will need to be quantified. The second discussion of significance is the turning basin component location has been elevated to Division level for discussion due to safety and authorization concerns. The Division would like to see documentation of safety concerns, and ensure that the planned location of the turning basin is still within the limits of project authorization.

#### PROJECT OVERVIEW

##### Dike Raising Presentation – Daniel Abecassis

Daniel Abecassis (USACE-Jacksonville) provided a presentation to quantify and justify the USACE Jacksonville recommendation to raise the existing dike elevation of 29 feet to 55 feet from the authorized 40-foot elevation as presented in the Manatee Harbor Limited Reevaluation Report (LRR) dated 1993, revised 1994. Daniel explained the USACE Jacksonville's intention of providing a Draft memorandum to raise as a supplementary change modification to the Project

Cooperation Agreement (PCA). He added that this draft memorandum is open for discussion and modification. Daniel provided a brief description of the project as it was designated in Phase I & II. Phase I of the project was completed in December 1996, with the dredging of the main channel to 40' depth and width of 400 feet. Phase II of this project will include dredging of the Turning Basin and Wideners, and address disposal for the dredged quantities.

Daniel provided an explanation of the methodology used to determine the disposal requirements. Phase II dredged material quantities total approximately 2.7 million cubic yards (cy) of material. Maintenance Dredging requirements, will be required once every three years for a duration of five cycles resulting in 15 years of maintenance dredging. Maintenance dredging will include approximately 4.125 million cubic yards (cy) of dredged material. A total quantity of approximately 5.725 million cy of dredged material will need to be disposed of for completion of the Phase II and for Maintenance of the Manatee Harbor. Daniel explained that the current disposal area capacity is 1.6 million cy, and thus raising the dike to meet disposal needs is necessary. This information is based on the approved quantities in the 1993 Limited Re-evaluation Report (LRR). The LRR document is the existing decision document for this project.

Jerry Scarborough added that this discussion is in order to gain approval for a modified PCA for the Dike component alone, and if additional modifications will be needed in the future for other component modifications, separate PCA amendments will be required.

Daniel addressed the Cost Sharing requirements as described in Section 201 of WRDA 1996. The cost share PGL-47 will include raising the dike from 29 feet to an elevation of 55 feet. He read the following excerpt from the draft memorandum to illustrate the federal cost:

"Section 201 of WRDA 1996 addresses cost sharing of dredged material facilities. This applies to any disposal facility for which a construction contract was not awarded on or before 12 October 1996. It allows for modification of any local cooperation agreements (i.e., PCA's) that applied to construction of these disposal facilities prior to passage of WRDA 96. Accordingly, the cost of raising the dike from 29 feet to 55 feet will be cost shared at GNF percent (75% Federal, 25% non Federal, and 10% non-Federal cash contribution payable for a period up to 30 years)."

He then addressed the management of the facility by referring to another excerpt from the draft memorandum.

"Upon raising of the dikes to the required height, the Operation and Maintenance (O&M) of the expanded portion of the disposal facility from the existing dike height of 29 feet to the constructed dike height of 55 feet will become a Federal responsibility. The definition of this responsibility will be incorporated in a PCA amendment. The authorized depth for the existing project is 40 feet. According to PGL-47 Section 7, Cost Sharing for land Based and Aquatic Dredged Material Disposal Facilities for Maintenance of Existing Federal Navigation Projects, paragraph c, Expansion of Existing Disposal Facilities at Existing Projects, subsection (2), Cost Sharing for Expansion of Existing Disposal Facilities at

*Existing projects*, the Federal share of the costs of O&M of the expanded portion of the disposal facility is 100 percent when associated with such an authorized depth in accordance with 7.b.(3). The operations and maintenance of the expanded portion of the disposal facility will be accomplished by the Corps."

Wilbert Paynes, CESAD-CM-P, summarized that the District plans to raise the dike to 55 feet in order to meet basic maintenance requirements, and the project (Phase II) that has been approved by the LRR 1993. Wilbert also noted that the District would like to move forward with the Cost Sharing under PGL-47. In order to do this, he advised that the District would need to verify that PGL-47 requirements/components have been met in order for the CESAD to support the PGL-47 Cost Sharing.

Osvaldo Rodriguez stated that the District Office of Counsel has drafted the PCA, and the Guidance Memo (provided in the meeting package) has been drafted for CESAD and HQ review. He re-stated that the Guidance memo is intended to aid the approval of the PCA amendment, once it is finalized. CESAD staff (Frank McGovern and Daniel Small) recommended modifications to the Guidance Memorandum, including adding information pertinent to PGL-47.

Tony Leketa posed the question about extending past the proposed 55-foot elevation. Jerry Scarborough's response indicated that the District does not recommend exceeding the 55-foot elevation due to engineering constraints, and construction stability requirements. The District recognizes the need for additional capacity in future years for this project and intends to address these needs in studies, as recommended by CESAD. The District plans to complete a Dredge Material Management Plan (DMMP) for the Manatee Harbor area. The DMMP will be conducted in FY 2005 as budgeted by Construction Division (Operation and Maintenance).

Bob Prince, CESAD-CM-D/DD, asked the team why a 20-year O & M plan was not in place, instead of a 15-year plan when considering Phase II. Daniel explained, from an O&M standpoint alone of the Phase I portion of the project, the disposal area is suitable; however, when including the need for additional disposal area for Phase II dredge material, there is not adequate disposal area availability. Jerry Scarborough added that a 20-year plan would be in place before the capacity of the disposal area is exhausted. The 5-year shortfall would be included in the plan, and would be funded by Construction General (CG) funds. Jerry added that additional land is readily available, and will be evaluated during the study for alternative disposal sites. Steve Cone, HQCECW-PC, expressed concern with not recognizing the cost of the additional 5-year O&M provisions.

Bradd Schwichtenberg, PD-PN, suggested basing the PCA amendment to raise the dikes to a maximum elevation of 55 feet solely on the O&M requirements for a 20-year plan. The District, CESAD, and HQ representatives agree that there is a need to raise the elevation to and obtain a PCA that supports this based on the O&M requirements for a 20-year plan and the material being used to raise the dike is built from material already in the dike.

Tony Leketa outlined the tasks necessary for modifying this component and amending the PCA based on the document and analysis to justify the 55-foot elevation for capacity for O&M

requirements of Phase I. The draft memorandum will need to be modified to recognize that this amendment is based on the O&M requirements for a minimum of 20 years. A minimum of 20 years for O&M is required, going above the 20-year threshold will not impede the project.

Daniel Small, CESAD-CM-P, will provide necessary recommendations for the modification of the draft memorandum. Wilbert Paynes advised that Jerry Scarborough and Ozvaldo Rodriguez work concurrently with Daniel Small to include and satisfy SAD comments and review in order to minimize further delay. Jerry Scarborough stated that the revised draft memorandum including comments provided by Daniel Small would be prepared and sent to CESAD and HQ by Friday February 28, 2003. This document, once finalized, will accompany the request for HQ to amend the PCA to modify the dike elevation of 55 feet.

#### **Environmental Presentation – Yvonne Haberer**

Yvonne Haberer, CESAJ-PD-EP, provided a brief presentation on the environmental impacts of the Turning Basin location as originally authorized. She stated as the original turning basin was located adjacent to the southern edge of the channel, a dense bed of sea grasses would be disturbed by enlarging the turning basin at this location. The Florida Department of Environmental Protection (FDEP) informed the client (i.e., the sponsor) that the location of the turning basin at the proposed location would not be permissible. Due to these environmental concerns, the updated design includes shifting the turning basin to the northern tangent of the channel. This location has been approved by the FDEP, permitted, and also mitigated including the removal and transplant of seagrass beds (approximately 2.3 acres). Yvonne added that the current (approximate) depth of area of seagrass impact in the turning basin area is 6-8 feet.

Tony requested information regarding the potential for any argument of environmental impacts to alternative locations outside of the original turning basin location. The District, CESAD, and HQ understand that there are less environmental concerns outside of the originally proposed Turning Basin, and also understands that the proposed turning basin has been permitted and mitigated for appropriately by the local client. There were no additional environmental concerns at this time.

#### **Turning Basin Presentation – Phil Sylvester**

Phil Sylvester, USACE liaison with the Waterways Experiment Station (WES), provided a presentation on the turning basin, and a brief history of the ship simulation studies conducted by the WES for the proposed turning basin.

Phil advised that the Feasibility Study was conducted and completed in 1978 based on an average vessel length of 600 feet; an authorization document was approved in 1986 authorizing the 900 foot turning basin; in 1989 the average vessel size included the El Gaucho, which is approximately 775 feet in length and ship simulations were conducted based on this large vessel. The General Design Memorandum in 1990 included the 1989 introduction of the El Gaucho as the design vessel. A Post Authorization Change Report issued in 1990 gave authority to the general design memorandum. The 1999 simulation was based on the Disney Magic (964 feet in length) and the recommended turning basin based on this simulation was 1400 feet. The El Gaucho was not simulated at this time as it was smaller than the largest vessel (Disney Magic).

*Manatee Harbor Port Authority Meeting*

and therefore, the 1989 simulation must be used for simulation information regarding the El Gaucho. The conclusion is a 900-foot turning basin is for a 600-foot boat. Phil directed the attendees to the track plots for the 1989 ship simulation of the El Gaucho shown in the meeting handouts. The black ink on the track plot represents the vessel moving in the basin. The second track plot reflects the 900-foot turning basin, which shows that the El Gaucho uses area outside of the 900-foot turning basin. A 1,274-foot maneuver is calculated from the track plot. The 900-foot basin is not adequate for the El Gaucho.

Phil continued to explain that the current design reflects the 900-foot turning basin aligned tangent to the northern boundary of the 400-foot channel. The total area is then 1,300 feet, which satisfies the minimum engineering design criteria for the El Gaucho and is endorsed by the Tampa Bay Harbor pilots. The USACE has a letter from the Tampa Bay Harbor Pilots stating that they believe that this is safe for the El Gaucho and will support this alignment. This will provide a safe turning facility for the mariners that use the Manatee Harbor.

Discussion included the evaluation if the turning basin relocated to the northern boundary was within the authorization of the project. Original authorization is for expanding the 700-foot basin to 900 feet, and not to build a 1300-foot turning basin, or a 900-foot turning basin outside of the original footprint of the 700-foot turning basin. It is in question when the turning basin expansion becomes a new turning basin under the original authority, and to what extent can the chief's discretion be applied? Frank McGovern and Steve Cone expressed serious concerns about the proposed plan to relocate the turning basin to the north. Both Frank and Steve strongly stated that they believed a turning basin in this configuration was beyond the authority of the project. Steve Cone indicated he was willing to support the District in whatever actions were needed to justify a larger turning basin, but was not comfortable supporting what essentially amounts to a 1,200 ft turning basin masked as a 900 ft turning basin in a strategic location.

Zoltan Montvai, HQCECW-PM, emphasized that the economic analysis to support moving the turning basin to the northern boundary of the channel is not supported. Wilbert Payne also indicated he would like to see some analysis of intermediate alternatives of moving the basin from the center of the channel all the way to the north edge of the channel. The District needs to justify where the turning basin would be built with the least amount of cost to the maximum amount of benefit. He recommends additional justification based on economic analysis. Wilbert agreed that economic justification would aid in determining what should be authorized.

The Jacksonville District's position as stated by Richard Bonner regarding the turning basin is that they are simply adjusting the location of a 900-ft turning basin in order to address both environmental and safety concerns. The environmental concerns are that locating the turning basin in the originally proposed area would require removal of a significant portion of seagrass beds. The safety concerns are that the ship simulations studies indicated that a turning basin in the original location is not adequate for the larger ships (anticipated with the deepening of the channel) to turn. Jacksonville District personnel also conveyed to meeting attendees that they believed that a significant delay in completing the turning basin would not be acceptable to the sponsor. It is also noted that time is a main concern for the client, and contractors are in place waiting for a notice to proceed. There is approximately an eight-month window (the time needed

*Manatee Harbor Port Authority Meeting*

to raise the dike elevations previously discussed) for this to be approved, authorized, or modified accordingly in order to meet the client's schedule.

Through extensive discussion of potential alternatives, and evaluation of the design as it is currently proposed, without a unified agreement being in place. Tony Leketa summarized the discussion regarding the placement of the turning basin as follows: The goal is to move forward within the original authorization, upon approval from CESAD, and HQ. The CESAD requested that the District provide an analysis/report that includes the economic justification of the turning basin location as it is currently depicted at the northern boundary of the channel, document the safety concerns determining the placement at the northern boundary, and have the client state specifically the functional requirements of Manatee Harbor. If vessel size determines the required design, the client will need to inform the District of the minimum turning basin requirements.

Due to discussion timing constraints, the internal USACE meeting was cut short, and did not address the Wideners or agreement for the Turning Basin location. Further discussion with the client and analysis conducted on behalf of the USACE will need to be provided and approved by CESAD and HQ in order to authorize the current siting of the turning basin. The internal meeting ended at approximately 1:45pm.

**R.K. ALFF & ASSOCIATES, INC.**

*serving the power industry for over 3 decades*



GLOBAL ENERGY SOLUTIONS

May 18, 2003

Mr. Joseph W. Gontarski  
Special Assistant to Executive Director  
Manatee Port Authority  
300 Regal Cruise Way, Suite 1  
Palmetto, Florida 34221-6608

Dear Mr. Gontarski:

This letter will serve to confirm the intent of my firm to cause the construction of a Liquefied Natural Gas (LNG) Regasification Facility which will abut the Port of Manatee. LNG will be brought from International suppliers via LNG tankers to the Port. From there, the LNG will be stored, regasified, and piped to the Gulfstream gas pipeline. Modern LNG ships are 900 - 1000 feet in length, have a draft of 36 - 38 feet, and carry 3 billion cubic feet of LNG. It is extremely important to the success of the LNG project that dredging proceeds as planned at Port Manatee to accommodate expected shipping of product.

Thank you for your consideration of this matter. Please consider this information to be confidential; to be used for your purposes with those on a need to know basis.

Sincerely,

Robert K. Alff





DEPARTMENT OF THE ARMY  
SOUTH ATLANTIC DIVISION, CORPS OF ENGINEERS  
ROOM 9M15, 60 FORSYTH ST., S.W.  
ATLANTA, GEORGIA 30303-5201

REPLY TO  
ATTENTION OF

21 Mar 03

Civil Works and Management Directorate

Honorable Katherine Harris  
United States House of Representatives  
116 Cannon Office Building  
Washington, DC 20515

Dear Ms. Harris:

Thank you for the opportunity to meet with you to discuss items of interest. I would like to take this opportunity to provide a status report on the Manatee Harbor, Florida, project.

The Letter Report that discusses the need to raise the dikes around the dredged material disposal area was approved on March 12, 2003. The amendment to the Project Cooperation Agreement (PCA) is being adjusted to agree with the requirements presented in the Letter Report and coordinated with the local sponsor. The PCA amendment is scheduled to be submitted for Washington level review by March 21, 2003. Due to the importance of this effort, an expedited Washington level review has been requested. Upon execution of the PCA amendment with the Manatee County Port Authority, the dredging contractor can be given notice to begin work.

Work is also underway to prepare a Limited Reevaluation Report to verify the economics of the plan for the remainder of the project associated with increasing the size of the turning basin to meet the current needs of the Port. While a firm schedule for this report is not available, it is expected that the report will require from 3 to 6 months to complete. Once the Limited Reevaluation Report is approved, the PCA can be revised and executed to allow construction of the remainder of the project. The Jacksonville District continues to work closely with the Manatee County Port Authority as we progress on the project.

Thank you for your time and interest in the US Corps of Engineers activities. The Jacksonville District will keep you informed as progress is made. If I can be of further assistance, please feel free to call me at (404) 562-5006 or my Director of Civil Works and Management, Mr. Tony Laketa, at (404) 562-5200.

Sincerely,

Peter T. Madsen  
Brigadier General, US Army  
Commanding

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03/21/2003 11:33 943291483

GENTARSKI  
PORT MANATEE

PAGE 02  
PAGE 02

U.S. Department  
of Transportation

United States  
Coast Guard

Commanding Officer  
United States Coast Guard  
Marine Safety Office Tampa

155 Columbia Dr.  
Tampa, FL 33606  
Ship Symbol: WWWW  
Phone: (813) 228-2181  
Fax: (813) 228-2388  
EMR92

16530  
March 14, 2003

Brigadier General Peter T. Madson  
U. S. Army Engineering Division, South Atlantic  
60 Forsyth Street, SW  
Atlanta, GA 30303-8801

Dear General Madson:

This letter is to share United States Coast Guard views on channel safety, ship maneuverability, optimum traffic management, and operational restrictions in Tampa Bay, specifically Manatee Harbor. I strongly support your division's effort to enhance the safety and efficiency of the Tampa Bay Marine Transportation System (MTS). It has come to my attention through the Tampa Bay Harbor Safety Committee that there is some question about how to proceed with the phase II portion of the Manatee Harbor Project, specifically the turning basin element.

In January 03, I hosted a Port and Waterways Safety Assessment (PAWSA) study to identify port risks and the effect of current and proposed mitigation strategies on the risks in the Tampa Bay area. The PAWSA study was conducted by a panel of thirty subject matter experts from the Tampa Bay port community. One of the key safety mitigators derived from this study is waterway improvement efforts such as widening and dredging. I forwarded the results of this study with areas of particular concern in a letter dated February 14, 2003 to Mr. Richard Honn, your Jacksonville Deputy District Engineer. It is obvious from past marine casualty causal factors and the recent PAWSA study that improved channel dimensions would significantly enhance the safety of navigation in port Manatee.

The project element for junction wideners, as approved are a much needed addition to the channel dimensions. The creation of these wideners will mitigate many of the causal factors linked to repeat groundings and other past marine casualties involving Manatee Channel. I applaud the process which provided for the modification of this element based on the Jacksonville District Engineering Decision Review Board (EDR).

The Manatee Harbor project turning basin as approved by the EDR provides a much greater margin of safety than other proposed locations under consideration for the basin. The Tampa Bay pilots participated in a WES ship simulation which demonstrated the inherent safety advantages of a 1400' turning basin. I am assured by the Tampa Bay pilots and port users that the safety margin created by the EDR turning basin would significantly reduce the risk of groundings and other marine casualties in the area of concern.

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PORT MANATEE  
PORT MANATEE

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Page 1 of 1

Joe Gortenski

From: Bory1462@aol.com

Sent: Friday, May 16, 2003 8:22 AM

To: Richard E. Donport@navy.mil; Jerry W. Garber@navy.mil; Gerald R. Rodriguez@navy.mil; jgortenski@portmanatee.com; jgortenski@portmanatee.com

Subject: Re: 300 Foot Vessels Calling at Port Manatee

Dear Colleagues,

At yesterday's meeting, Becky Meyer indicated that the 300' long vessels that the Port said would be calling at Port Manatee were actually vessels drawing greater depth, i.e., 30'. She further stated that it is not Becky that these ships would call at the port, 10 feet or more lighter. In discussions this morning with Joe Gortenski, he reminded me that freighter arrangements with other shippers by Vulcan, Martin Marietta and LaFarge would, in fact, include 300' vessels drawing 40'. In addition, an LNG Group is interested in using Berth No. 5 for 300' vessels with a draft of 40'. All of this information was discussed during the second day of the meeting at Port Manatee (April 28th).

Joe Gortenski can fill in more of the details. However, the facts should be made clear and the LRFPAC should reflect "reality" and therefore, be corrected accordingly.

Regards,

Bory

5/16/2003

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GONTARSKI  
PORT MANATEE

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March 14, 2001

Finally, I request the Corps of Engineers consider the swift resolution of issues with respect to the channel deficiencies identified in the Tampa Harbor project.

Sincerely,

//s//

J. M. FARLEY  
Captain, U. S. Coast Guard  
Captain of the Port

PP-C

JS

m

Fax Coverpage

DATE: 3-3-03

TO: MR. RICHARD E. BONNER, PE

FROM: CAPTAIN BRIAN K. TAHANEY

PAGES TO FOLLOW: 5

SUBJECT:

MANATEE HARBOR PROJECT TURNING BASIN

SENDER'S PHONE 727-867-7573

SENDER'S FAX 727-864-6606



## Tampa Bay Pilots

1825 Sehlman Drive • Tampa, FL 33605

February 28, 2003

Mr. Richard E. Bonner, PE  
Deputy District Engineer for Project Development  
U.S. Army Corp of Engineers, Jacksonville District  
701 San Marco Blvd.  
Jacksonville, FL 32207-9175

RE : Port Manatee Harbor Project : Turning Basin Issue

Dear Mr. Bonner :

I would first like to thank both you and the rest of the members of the staff of the Jacksonville office of the U.S.A.C.O.E for the opportunity to attend the meeting of 2/24/2003 concerning the Port Manatee Harbor Project. I hope my participation was of some value in reaching a final settlement of the issue. As I understand it , the only unresolved issue is the location and dimensions of the turning basin. Upon returning to Tampa the next day I thoroughly reviewed our office file on the Manatee Harbor Dredging Project. What I found were alot of different letters written by alot of different people over a large expanse of time, 1978 to 2003 to be specific . I think we all want to see this thru by identifying exactly what was authorized for the turning basin. What I feel has occurred is that the original authorization for changes to the turning basin based on the 1989 simulation have been confused with the modified authorization presented to the pilots by Phillip Sylvester in 2001. These changes were based on the 1999 simulation and were affected by both economic and environmental concerns as Mr. Sylvester mentions in his letter of May 1, 2001 addressed to Captain Viso.

At some point after the 1999 simulation there was an error in communication concerning the turning basin. The final report of the 1999 simulation clearly states the need for a 1400 foot turning basin centered on the Manatee channel. This would allow usage of the area NW of the basin presently used as a turning basin, usage of the main ship channel and usage of new dredged areas north and south of the channel. this was also the most

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advantageous type of basin from a shiphandling point of view as the vessel would not be required to be pushed bodily up into the turning basin before being turned. When the DEP refused to permit the area south of the channel to be used as part of the turning basin, the basin had to be reconfigured. The Corp suggested a 900 foot turning basin tangent to the north edge of the channel combined with the 400 foot ship channel to create an "effective 1300 foot turning basin". This is clearly stated in a series of communications between the then Chairman of the Tampa Bay Pilots, Captain Jorge Viso and Phil Sylvester of the Jacksonville office of the USACOE. A picture included with the letter from Mr. Sylvester to Captain Viso clearly shows a 900 foot turning basin tangent to the north edge of Port Manatee channel west of berth 5. The letter states that the picture is a design that the pilots have not seen in the past. The letter further states that the design was changed by the Corp due to economic and environmental concerns and asks the pilots to review and either accept or reject the plan. This plan makes no reference to enlarging the existing basin from 700 to 900 feet but rather to creating a new basin of 900 feet at a new location to be used together with the existing channel to provide more room for maneuvering. An "effective 1300 feet is what the drawing shows. The phrase enlarge the existing basin from 700 to 900 feet was old verbiage based on the original plan. This old plan was scrapped when the permit was denied. The pilots accepted this new proposal and believed the issue to be settled. Somehow I believe the Division office of the Corp was working with the old plan with the pilots and the district as well as Port Manatee were working with the new plan. I don't quite know how this error occurred but I suppose we are all a little to blame. This is where the issue of "authorization" has surfaced. What was the Corp authorized to do as a result of the various studies and simulations? What was authorized after the 1999 simulation?

I am not sure that the present turning basin (if one dares to refer to it as such) was ever really permitted or authorized. It is not clearly marked by navigational aids nor is it symmetrical in nature. It is simply an area of deep water, part of which is the main channel, part of the main ship basin and other areas dredged out adjacent to both to create better access to both these areas. It was certainly never efficient and presented many safety issues. Our main concern is one of safety. At the present time we are moving large vessels in confined spaces exposed to the elements and encroaching the berthing space of vessels alongside berths 6, 10 and 11. At times we must come much closer to these moored vessels than safe shiphandling practices suggest. Often times the assist tugs are forced into dangerous predicaments from which they complete the maneuver due to their excessive

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power and maneuverability. At the present time, the ports of Tampa and Manatee have perhaps the most modern fleet of harbor tugs of any port in the country. These tugs are in high demand and often called offshore for lucrative salvage work as well as positioning of oil rigs off the coast of Texas. At times, tug shortages occur and delay movements in Manatee that presently require two class A tugs due to the difficulty of turning such large deep laden vessels in such a confined, poorly configured turning basin. The Oil Pollution Act of 1990 along with U.S.C.G. underkeel clearance rules require the Master of the vessel along with the pilot to exercise a higher degree of diligence when handling tank vessels. The liability concerns of the shipowner as well as shiphandler are paramount when deciding whether a maneuver is indeed "safe". All of these factors influence the decisions of the Master and Pilot. Having to come within 50 feet of a loaded petroleum tanker with a 70,000 DWT bulk carrier is really pushing the envelope and asking for trouble. We need as high a margin of safety as is economically and environmentally feasible. The continued absence of this margin of safety is unacceptable.

As I stated above the project requires at least a 1300 foot turning basin. Each part of the project is like a piece of a puzzle. Each piece is tantamount to the others. There would be no need for a turning basin of this size without enlarging the widener on both sides as the larger vessels would not be able to successfully negotiate the turn from Bravo cut into Manatee channel. The same is true of the widener by itself. There is no need to allow access to the channel by larger vessels if there is no adequate room at the other end of the channel to safely stop and turn the vessels. The enlarged widener allows vessels to approach the turn with more speed due to an enlarged turning radius. This eliminates the need to nearly stop the larger vessels and turn them with tug assistance. When these large vessels are stopped they are highly susceptible to the effects of wind and current. This has resulted in two recent groundings. One of which was M/V W.H. Blount (753LOA 106 Beam) on a shift from the port of Tampa to Port Manatee entering Manatee channel from the north. Another was the M/V Saga Andorina (654LOA 100beam) a large bulk carrier inbound to the Port from the south. Both of these vessels or sister ships of comparable dimensions make regular calls at the port. In the past there may have been three to four movements in Manatee channel involving large panamax vessels per month. At the present time there may be as many as twelve to fifteen per month. Recent engineering improvements to berth 7 by the port engineering staff now allow the efficient loading of panamax size vessels with phosphate. Vulcan Shipping has long term contracts to deliver crushed stone and other bulk products to both the Port of

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Tampa as well as Port Manatee. This will increase the number of shiftings of these vessels from Tampa to Port Manatee. The larger turning basin and a lack of current restrictions are vital in attracting and sustaining this business.

Port Manatee has done their part by improving and expanding berthings areas and providing intermodal improvements. Increased storage capacity for goods and services as well as a new cruise terminal are exciting changes. Quick access to the interstate make Port manatee "the right turn on Tampa Bay". All that is needed is a safer channel to allow these larger vessels to be moved safely and more efficiently. Continued shoaling in the eastern end of the channel between buoys 5 and 6 and beacons 7 and 8 presents a dangerous risk to large vessels mentioned in the previous paragraphs approaching the ship basin. The turning basin would eliminate control problems encountered by pilots in this area where the channel is restricted to 150-200 of usable length for 40 foot draft when shoaling occurs. The allowable draft of the channel was recently decreased when a large vessel touched bottom in the area of the main channel where the new turning basin would be in late 2002. This grounding resulted in the allowable draft in the channel being reduced by two feet.

The cruise ship M/V Regal Empress has grounded 5 times in the past 6 years in the Manatee ship channel. The number of groundings over the past 10 years in this channel are far too numerous to mention in one letter. The navigational guideline restrictions imposed due to these groundings have cost the Port of Manatee and the vessels that call at the Port a small fortune. As pilots we expect that we will be able to eliminate many of these restrictions and ease several others as a result of the successful completion of the Manatee Harbor Project. The channel improvements will no doubt allow us to move these vessels in a more expedient manner and thereby create a more efficient use of the port. It is our hope that many of the present restrictions on vessel movements will either be eliminated or significantly reduced. I thank you for both your cooperation and your perseverance in this matter. If I can be of any further assistance please do not hesitate to call upon me.

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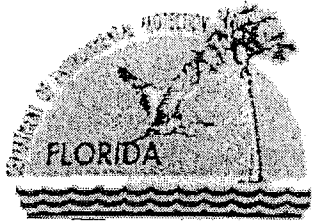
## Tampa Bay Pilots

1825 Sahimian Drive • Tampa, FL 33605

Respectfully,

Captain Brian K. Tahaney/Tampa Bay Pilots

cc: Mr. Tony Leketa, USACOE  
Mr. Osvaldo Rodriguez, USACOE Jacksonville District  
Mr. David MacDonald, Executive Director, Port Manatee  
Mr. Dennis Webb, WES/USACOE  
Captain Jorge Viso, Tampa Bay Pilots  
Captain John Wrasse, Chairman, Tampa Bay Pilots  
Captain Steve Cropper, Tampa Bay Pilots  
Mr. Joeseeph Gontarski, Special Assistant to Executive Director, Port  
Manatee  
Dr. Bory Steinberg, Steinberg and Associates



Jeb Bush  
Governor

# Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

RECEIVED  
DEC 23 2002  
PORT MANATEE

David B. Struhs  
Secretary

## CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

### PERMITTEE/AUTHORIZED ENTITY:

Manatee County Port Authority  
c/o Mr. Steve Swingle  
Gee & Jenson E-A-P, Inc  
1801 A. Sahlman Dr.  
Tampa, Florida 33605

Permit/Authorization No.: 0129291-003-EI

Date of Issue: 12/17/02

Expiration Date: 12/17/07

Counties: Manatee and Hillsborough

Project: Port Manatee Navigation and  
Bulkhead Improvements

This permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an environmental resource permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

This permit also constitutes certification of compliance with water quality standards under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund (BOT), pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. Accordingly, the BOT approved all proprietary authorizations for this project on August 12, 1999. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., 62-343.075, F.A.C., and the policies of the Board of Trustees.

"More Protection. Less Process."

Printed on recycled paper.

Permittee: Manatee County Port Authority  
Permit No: 0129291-003  
Printed 12/17/02  
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As staff to the Board of Trustees, the Department previously reviewed the activity described below, and determined that the activity required a lease for the use of those lands, pursuant to Chapter 253.77, Florida Statutes. In its August 12, 1999 approval, the Board of Trustees granted authority for the Department to proceed with issuance of a lease for the use for the subject activity. The lease was executed on July 3, 2001.

As staff to the Board of Trustees, the Department has reviewed the activities that are not already authorized under the lease, as described below, and has determined that the activities qualify for a consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

A copy of this authorization also has been sent to the U.S. Army Corps of Engineers (USACE) for review. The USACE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. **This permit and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the General Conditions and Specific Conditions, which are a binding part of this permit and authorization.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification/authorization, as specifically described below.

#### ACTIVITY DESCRIPTION:

Permittee: Manatee County Port Authority  
Permit No: 0129291-003  
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Page 3 of 29

This Environmental Resource Permit (ERP) authorizes a portion of the construction and mitigation activities conceptually approved in permit # 0129291-001. As per specific condition 5 of the conceptual permit, included herein are specific conditions to protect water quality and biological resources.

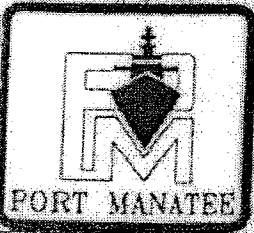
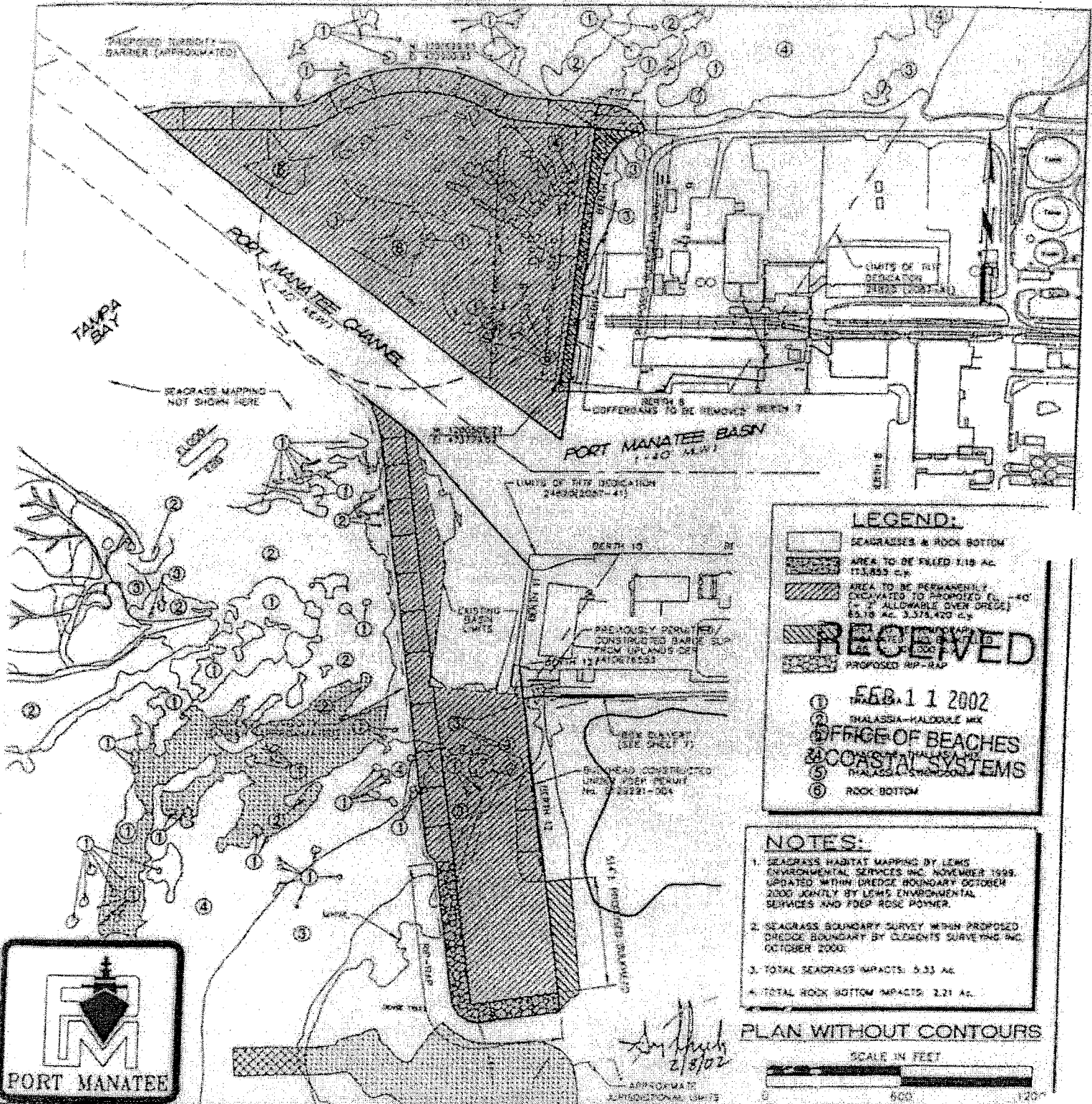
The proposed project is to dredge 29.41 ac. to enlarge the channel wideners at the entrance to the Port Manatee Channel in Hillsborough County; dredge 57.73 ac. of wetlands to widen and deepen the Port Manatee Harbor, including existing exterior Berths 5, 11, and Phase I Berth 12, new exterior Berth 4 and Phase II Berth 12, and a new turning basin; fill 1.18 acres of non-sovereign submerged lands behind the extended bulkheads at Berths 4 and 5; replace the existing bulkheads at Berths 5 and 11; and excavate 7.45 ac. of uplands to create the majority of Berth 12. All areas are to be dredged to the authorized depth of the Port Manatee Channel (-40 ft. MLW plus 2 ft. allowable overdepth) with side slopes of 3:1 (h:v), except the side slopes at the southern end of Berth 12 are to be stabilized with riprap at a slope of 2:1. Overall, approximately 3.7 million cubic yards of material will be hydraulically or mechanically dredged. Blasting may be employed to loosen limestone, siltstone, and sandstone layers prior to dredging. Dredge material will be deposited or pumped into an existing 93 ac. upland disposal site on port property. New bulkheads will be constructed of Z-sheet and pipe pile, installed with a vibrating or impact hammer.

Project dredging and filling entails impacts to approximately 12.70 ac. of shallow bay bottom, which is appropriate substrate for seagrass, but has a varying coverage of seagrass ranging between 12.70 and 5 acres; 29.50 ac. of shallow unvegetated bay bottom habitat (less than -6 ft. MLW); 45.14 ac. of deeper unvegetated bay bottom habitat (greater than -6 ft. MLW); and 1.84 ac. of intertidal mangrove and saltmarsh habitat.

Mitigation for these impacts, as outlined in the Conceptual ERP (Permit No. 0129291-001-EC), is partially addressed in the following permits and application: Permit Nos. 0129291-002-EI, 41-0166697-001, 0129291-005-EG, and Permit Application No. 0129291-007-EI. In addition, for the current project the applicant will perform the following mitigation and public interest activities: enhance or create a total of approximately 25.1 ac. of mangrove, salt marsh, salt barren, and tidal creeks to enhance the spoil island; remove invasive vegetation from and grading of 22 ac. of the spoil island to create seabird nesting habitat; remove invasive vegetation to enhance 3.9 acres of subtropical hammock; remove invasive vegetation and plant native vegetation to enhance 8 acres of coastal strand; and create a 1 acre water retention area. The resource protection, restoration, enhancement, and management activities proposed on the 59-ac. spoil island, are addressed in a sovereign lands management agreement (Agreement No. MA-41-072, BOT File No. 410222563).

# PERMIT NO. 0129291-003-EI

12/00/02 11/08/04 MANATEE PERMITTING DIVISION DATE ISSUED: 2/7/2002 PERMIT: 0129291-003-EI BY: BUCK PLAN SCALE: 1"=500'0" TWP: 000000 00-000000 00-000000



**GEE & JENSON**  
Engineers - Architects - Planners, Inc.  
One Manatee Center  
West Palm Beach  
Florida 33409

DESIGN SS  
DRAW BB  
CHECK BB  
APPV SS  
DATE 2/8/02

BERTHS 4, 5 AND 12  
PORT MANATEE, MANATEE CO. FL  
APPLICANT: MANATEE COUNTY  
PORT AUTHORITY

SCALE SHOWN  
JOB # 20032.11  
SHEET 3 OF 11  
DATE 2/8/02  
REVISION 5/10/02



Tampa Bay

# Manatee County Port Authority

300 REGAL CRUISE WAY, SUITE 1, PALMETTO, FL 34221 • 941-722-6621 • FAX 941-729-1463 • portoffice@portmanatee

FAILED  
8.30.02  
3-5

August 30, 2002

Mr. Richard Bonner  
Deputy District Engineer  
For Project Management  
U.S. Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, FL 32232-0019-

RE: Manatee Harbor Project Phase II and III  
Permit and Mitigation Cost Allocation

Dear Mr. Bonner:

Based on various discussions with your staff, forwarded is material on the cited subject. This material provides the methodology used in the cost allocation relative to Phases II and III federal/non-federal; the actions necessary to secure the permits, the permit implementing mitigation activities for Phase II and III that are being accomplished simultaneously, which are ongoing; the mitigation program components and status thereof, and a detailed list of contractual expenditures.

As you recall, the Corps and the port mutually agreed in the late 1990's that the port would assume the responsibility for obtaining the necessary permits and the implementing mitigation program. Currently, the total contractual cost is \$5.6 million. The forwarded material describes the program expenditures and the cost allocation process among the aforementioned elements.

We appreciate the Jacksonville District's assistance in this extended project, and we are available to discuss this matter with you and your staff, as needed.

Sincerely,

Joseph W. Gontarski  
Special Assistant to Executive Director

JWG/smb  
Enclosure

cc: David L. McDonald/MCPA  
Ken Scarbrough/MCPA  
George Isiminger/MCPA  
Jerry Scarborough/USACE-Jacksonville  
Osvaldo Rodriguez/USACE-Jacksonville  
Dan Abecassis/USACE-Jacksonville  
Dr. Bory Steinberg/Steinberg & Assoc.

MANATEE HARBOR PROJECT  
PHASES II AND III  
PERMITTING AND MITIGATION PROGRAM  
COSTS ALLOCATION

Manatee County Port Authority

August 2002



## OUTLINE SUMMATION:

## **Manatee Harbor Project Phase II and III Permitting/Mitigation Program Cost Allocation**

The following is a highlight outline on the above subject, as described in detail in this document:

1. Current total contractual expenditures by Port Manatee are \$5.6 million on this ongoing permit/mitigation program, which may require seagrass impact monitoring after project completion.
2. As mutually agreed by the Corps and local sponsor, Port Manatee assumed responsibility for the permitting/mitigation program in the late 1990's.
3. As dictated by permit processing requirements identified within the subsequent narrative, these actions were necessary:
  - a) Manatee Harbor Project Phase II and III permit/mitigation is being accomplished simultaneously along with federal and non-federal portions.
  - b) State permit requirements dictated that all foreseeable port improvements, especially berths, be included in joint permitting/mitigation.
  - c) Avoidance/minimization of seagrass impact had to be pursued in project design in conjunction with the Corps.
  - c) Side mitigation efforts are necessary to meet permit requirements, such as Little Redfish Creek, Spoil Island, Piney Point, sandbar excavation, flushing channels.
4. The federal portion of this project was the most important permit/mitigation issue relative to seagrass impact.
5. Under the joint application process established between the Corps and the Florida Department of Environmental Protection (FDEP), a joint application is concurrently processed. The Corps required the project impacts associated with the entire project including the federal portion be considered for proper justification.
6. Due to seagrass prop scars by local boater/fishermen, a seagrass management area used by engine-powered boats had to be established by Port Manatee.
7. Seagrass mitigation is a developing science, many aspects of which are not yet proven. As such, a trial and error approach is being performed.

Manatee Harbor Project  
Phases II and III  
Permitting and Mitigation Program  
Costs Allocation  
August 2002

Executive Summary

The Manatee County Port Authority has spent about \$5.6 million on permitting and mitigation for expansion of the Port since about 1998, and is not yet finished. Permitting agencies did not allow the permitting and mitigation to be separated discreetly between Phases II and III of the Federal Project. The magnitude of the cost is directly related to the dredging impacts, and can be most equitably apportioned among federal and non-federal portions of phases of the expansion based on proportions of associated dredge areas. The Port Authority recommends that the costs be split among the parts as follows:

Phase II federal portion:	\$4,116,000 (74%)
Phase II non-federal portion:	\$222,000 (4%)
Phase III federal portion:	\$1,057,000 (19%)
Phase III non-federal portion:	\$167,000 (3%)

Cost sharing would apply to the federal portions listed above.

The permitting and mitigation work is ongoing. Additional costs will be incurred in the future and added to these figures. Future cost items include remaining permits and permit modifications, remaining mitigation construction, and monitoring and success measurement required by the permits. Also, internal Port Authority costs associated with coordination with the Corps regarding the Federal Project are not included here, and are to be added later.

Introduction

This document summarizes the permits that were necessary to allow the dredging and lists the components of the mitigation work required by the permits. Discussion of the permitting and mitigation design process provides insight into the necessity for the various projects. Related contracts are listed with the most appropriate permits and mitigation components. Additionally, rationale is presented in support of the recommended cost-apportionment method.

## Permits

The permits that have been obtained are as follows (listed with notes on status):

1. DEP Conceptual Environmental Resource Permit (ERP) No. 0129291-001-EC covering the Federal Project Phases II and III, the berths, and the required mitigation (Effective).
2. State Sovereignty Submerged Lands Lease No. 410031713 covering the Federal Project Phases II and III and the berth dredging areas (Effective).
3. Corps of Engineers Individual Permit (IP) No. 199801210 (IP-MN) technically covering only the non-Federal portions of Federal Project Phases II and III (Effective).
4. DEP Seagrass Mitigation Individual Permit No. 0129291-002-EI covering the seagrass mitigation (Effective)
5. DEP Little Redfish Creek (Alternative) Individual Permit No. 0129291-007-EI covering the Little Redfish Creek alternative mitigation (Effective).
6. DEP Dredging and Spoil Island Individual Permit No. 0129291-003-EI covering the Federal Project Phase II and III and berths dredging and spoil island mitigation construction (Pending – Intent to Issue published).

Following is a more detailed accounting.

The Manatee Harbor Federal Project involves dredging of submerged areas to improve navigational access to Port Manatee. The dredging is a large part of the Manatee County Port Authority's improvements project, which joins construction of new berths 4, 5, and 12 with the federal dredging.

State and Federal permits were required for the improvements. Initially, the Corps of Engineers handled the application for permits from the Florida Department of Environmental Protection (DEP). After the initial attempt by the Corps, the Corps and the Port Authority mutually agreed that the Port Authority would assume the responsibility for obtaining the necessary permits.

*DEP Conceptual Environmental Resource Permit (ERP) No. 0129291-001-EC, State Sovereignty Submerged Lands Lease No. 410031713, and Corps of Engineers Individual Permit (IP) No. 199801210 (IP-MN)*

The Port Authority proposed to permit the project in phases since it was to be constructed in phases over the long term (i.e., Phase II, then Phase III). Charged with ensuring that development-related environmental impacts, including cumulative impacts, are minimized, DEP required that all foreseeable improvements be included in one

conceptual permit request. A conceptual permit identifies planned improvements and establishes the standards, including mitigation requirements, under which the construction is to be performed, but does not authorize construction. Additional individual permits are required for construction authorization for project phases. Under the joint permit application process established between DEP and the Corps of Engineers Regulatory Section, a joint application was concurrently processed through the Corps. The Corps required that the project impacts associated with the whole project, including the Federal portion, be considered for project justification, even though the Federal permit would only technically cover the non-Federal portions.

The most important issue in the permitting was seagrass impacts associated with the dredging, primarily the Federal portion of the dredging. Seagrass impacts associated with the dredging are unavoidable. Seagrasses are considered a particularly valuable resource, in that they provide essential habitat for juvenile fishes. The bulk of the remaining issues was related to dredging impacts in general.

Requirements for avoidance and minimization of impacts were the most significant factors influencing project design. The layout of the project was actually reconfigured a number of times to reduce acreage of seagrass impacts. Initially the project design involved excavation of a turning basin in the center of the approach channel, with channels and new berths extending to the north and south from the turning basin. The ultimate permitted design was very different. The turning basin was shifted to the north side of the approach channel where seagrasses were sparser, and the south channel and berth were skewed landward to avoid more seagrass areas. It was necessary for the Corps to analyze the revised layout using a computer-based ship simulation analysis to ensure that the revised layout was safe for navigation.

Another important issue to address was the method by which seagrass impacts would be mitigated. Seagrass mitigation is a developing science, many aspects of which are not yet proven. To mitigate the unavoidable seagrass impacts, the Port Authority was required to transplant the seagrasses from the impact areas prior to dredging and plant them elsewhere. Additionally, due to the uncertainty of seagrass mitigation success, monitoring and demonstration of success is required prior to the dredging.

The project faced stiff opposition from the beginning on the premise that the mitigation may not be successful. The approach chosen to address this opposition was to identify the potential cause of failure and propose a solution that addressed the direct causes. Designing for success was a matter of proposing a program to make changes in areas not supporting seagrasses in a way that the reasons the areas did not support seagrasses were addressed.

One mitigation planting area was determined to be barren due to coalescence of prop scars in an area heavily used by local fishermen. This area was included in a manatee seagrass management area in which combustion engine-powered vessels would not be permitted to operate. The area was also planted with seagrass material transplanted from the impact areas. Another mitigation area did not support seagrasses because the bottom

elevations were intertidal and too high. The sand bars were excavated to a more suitable elevation, protected from wave action with breakwaters, and planted with transplanted material. A third area, though formerly submerged, had been filled with dredged material by a contractor years ago, and was now much too high to support seagrasses. This area was excavated to a suitable seagrass elevation, including the installation of flushing channels to ensure good water flow.

It was also necessary to provide greater potential benefit to provide reasonable assurance of adequate mitigation. Accordingly, though seagrasses were the main subject of concern, other less related measures were necessary due to limits in the Port Authority's ability to address the seagrass issue. The limits were based on the fact that there simply were not more areas of seagrass mitigation opportunity in the project vicinity. The other measures were part of an ecosystem approach to mitigation. Rather than strictly adhering to in-kind mitigation, the Port Authority set out to identify a whole program of environmentally beneficial improvements to the local ecosystem to meet the mitigation requirements. For example, though the project does not propose any significant threat to birds, restoration of an island to benefit 12 endangered bird species is a large component of the mitigation program. Tidal creek systems are another significant component, even though there are no tidal creek impacts associated with the project.

Because of the magnitude of unavoidable impacts, mitigation proposals were controversial regardless of merit. Controversy led to political issues. It was necessary to gain political support in order to obtain the permits, and especially submerged lands use authorization, which is granted by the Governor and Cabinet acting as the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. Permit issuance is a prerequisite to submerged lands use authorization. To counter negative newspaper articles, presentations were made to newspaper editorial boards and to public groups interested in the project. It was necessary for the Governor and Cabinet members to be well informed prior to the vote. First, Cabinet aids were hosted at the Port to provide a first hand look at the project site. Presentations were made to the Cabinet aids and later to the Cabinet members prior to the vote. Senators and Congressmen helped during the Governor and Cabinet meeting at which the vote was taken. The local Latin Chamber of Commerce even gave their support by sending two buses full of people to the meeting. In comparison to the two individuals opposed to the project at the meeting, the large crowd had to be impressive to the voting members.

One key aspect in the campaign for project approval was the support demonstrated by the Port Authority board. Since the Board is comprised of the County Commissioners, the unwavering series of votes in favor of the project and environmentally sensitive commitment were extremely helpful to Port Authority staff and consultants in their efforts to gain the benefits afforded to a credible, reliable applicant.

Dredging-related water quality impacts were also addressed in the permitting process. Spoil site expansion was necessary not only for disposal capacity, but also for sufficient detention time to justify water quality certification, which is a component of the State

permit. Before being taken over by the Corps, some engineering services related to expansion of the spoil site were accomplished by the Port Authority.

Following are the Port Authority contracts for the work necessary to secure the DEP conceptual permit, and submerged lands authorization, and Corps permit:

PO#	PSA#	Vendor	Effective Date	Contract Name	Amount
5671	95-04	Gee & Jenson	16-Mar-95	Navigation and Berth Improvements Permitting	\$71,000
6106	97-11	Gee & Jenson	19-Jun-97	Navigation and Berth Improvements Permitting	\$32,522
6194	97-22	Gee & Jenson	30-Sep-97	Navigation and Berth Improvements Mitigation Program Update	\$18,100
PA000081	98-01	Gee & Jenson	19-Feb-98	Navigation and Berth Improvements Additional Permitting	\$64,800
	98-05	Gee & Jenson	01-May-98	Aerial Photography	\$28,910
PA000235	98-16	Gee & Jenson	30-Jun-98	Navigation and Berth Improvements Additional Permitting	\$59,775
PA000277		Audubon	16-Sep-98	Spoil Island Bird Nesting Habitat Restoration Conceptual Plan	\$10,000
6118 / PA000252		Clements	13-Oct-98	Mean High Water Survey Berth 4 to Hendry Property	\$20,000
PA000272		LES	16-Oct-98	Navigation and Berth Improvements Permitting Services	\$197,103
	98-22	Clements	20-Oct-98	Surveying to Assist LES	\$25,000
PA000382	98-23	Clements	15-Dec-98	Boundary Survey of FPL Property	\$2,000.00
PA000431	99-02	Gee & Jenson	18-Feb-99	Navigation and Berth Improvements Permitting	\$27,600
PA000489	99-06	Gee & Jenson	19-Apr-99	Prepare Detailed Mitigation Plan for DEP Permit	\$38,715
PA000524	99-07	Gee & Jenson	20-May-99	Data Research and Inspection for Dredging Project	\$4,411
	99-15	Gee & Jenson	24-Aug-99	Data Search, Review of Information and Prep. for Governor & Cabinet Meeting	\$57,000
	99-26	Gee & Jenson	16-Dec-99	Assist w/ Processing of DEP and COE Permit Applications	\$75,000

99-24	Gee & Jenson	30-Nov-99 Assistance w/ Expanding Dredged Materials Area	\$12,189
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*DEP Seagrass Mitigation Individual Permit No. 0129291-002-EI*

The next step after receipt of the DEP conceptual permit and the Corps permit was to obtain DEP individual permits for phases of the work as needed. The first application was for an individual permit for the required seagrass mitigation since the seagrass mitigation, which was required to be successful before dredging would be authorized, was on the critical path.

Though the seagrass mitigation proposal did not materially deviate from the seagrass mitigation covered by the conceptual permit, the application was controversial. The main issue to be resolved was the criteria for the level of seagrass mitigation success required before dredging could begin. This issue was not resolved during the conceptual permitting process because DEP could not resolve the issue to the Port Authority's satisfaction within the timeframe specified by the Port Authority. The restrictive time frame resulted from the Port Authority's exercise of a little-known provision that allows an applicant to declare an application complete. The Port Authority determined it to be necessary to exercise this option after years of permit application processing to force action to avoid "death by delay."

The seagrass mitigation permit that was obtained allowed the construction of the mitigation features and transplanting of the seagrasses and specifies the success criteria that must be met prior to dredging. It also allowed for new transplanting methods subject to demonstration of viability and DEP approval.

Following are the Port Authority contracts for the work necessary to secure and comply with the seagrass mitigation permit:

PO#	PSA#	Vendor	Effective Date	Contract Name	Amount
PA000748		LES	19-Jun-97	Lewis Environmental Services Seagrass Mitigation Consulting	\$559,557
PA000828	00-15	Clements	17-Apr-00	Surveying for Seagrass Aerials Rectification	\$5,000
PA000818		LLW	25-Apr-00	Mitigation Legal Consultation and Lobbying	\$94,183
PA000827	00-14	Gee & Jenson	25-Apr-00	Permitting Through May 2000	\$22,575
PA000877	00-24	Gee & Jenson	20-Jun-00	Permitting through July 2000	\$10,600
PA000891	00-28	Clements	20-Jul-00	Survey of Seagrass Beds Staked by LES	\$6,500
PA000974	01-05	Gee & Jenson	12-Oct-00	Improvements Permitting	\$17,000

*DEP Little Redfish Creek (Alternative) Individual Permit No. 0129291-007-EI*

Application was made for an individual permit for the construction of Little Redfish Creek, a part of the mitigation required by the conceptual permit involving tidal creek restoration. Though the proposal did not deviate materially from the work covered by the conceptual permit, DEP decided that they did not favor the project and would not issue the permit without substantial modification. The requested modification involved doing away with the creek restoration and constructing an entirely different restoration project nearby. The Port Authority agreed and DEP's intent to issue the permit was published. The Little Redfish Creek alternative permit has been issued and the construction contract modified accordingly.

Following are the Port Authority contracts for the work necessary to secure and comply with the Little Redfish Creek alternative permit:

PO#	PSA#	Vendor	Effective Date	Contract Name	Amount
PA000975	01-06	Gee & Jenson	12-Oct-00	Little Redfish Creek Detailed Design and Permitting	\$21,000
PA001363	02-22	Clements	21-Mar-02	Peanut Lake Roadway Surveying	\$3,000
PA001364	02-25	Clements	21-Mar-02	Site 7 and Hendry Site Env. Mitigation Conservation Easement Survey	\$8,500
PA001366	02-21	Gee & Jenson	21-Mar-02	Little Redfish Creek/Site 7 Design Change and Permitting Mod	\$38,000
PA001429	02-31	PSI	16-May-02	Little Redfish Creek Subsurface Exploration for Permitting	\$5,411

*DEP Dredging and Spoil Island Individual Permit No. 0129291-003-EI (Pending)*

An application for an individual permit to construct the improvements, including the Federal Project dredging, and construct the spoil island bird habitat portion of the mitigation was processed at the same time as the Little Redfish Creek alternative permit application. DEP's intent to issue the permit was published at about the same time as the intent for the Little Redfish Creek alternative intent, thereby opening a point of entry for legal challenges to permit issuance. A St. Petersburg attorney took advantage of the opportunity and petitioned for a hearing against both permits and another port permit for part of Berth 12 that had already been issued and built. After much legal maneuvering and a cash payment to the attorney, the petition was dismissed.

The dredging and bird habitat permit is reportedly days away from being published. The



on seagrass mitigation success. Complex formulas are established for measurement of success. Measurements of seagrass success are scheduled for mid-September. This data will be used in a claim for success and dredging authorization. Based on visual observations, the Port Authority expects to measure enough success to obtain the necessary dredging authorization.

Following are the Port Authority contracts for the work necessary to secure and comply with the dredging and spoil island permit:

PO#	PSA#	Vendor	Effective Date	Contract Name	Amount
PA001055	01-12	Gee & Jenson	27-Mar-01	Savage and FPL Exchange Parcels ESAs	\$19,950
PA001100	01-16	Clements	21-Jun-01	Surveying for FPL 13 Acre Conveyance to State	\$4,000
PA001098	01-15	Gee & Jenson	21-Jun-01	FPL 13 Acre Exchange Parcel ESA	\$9,900
PA001129	01-19	Gee & Jenson	16-Aug-01	Continuing Improvements Permitting	\$25,000
PA001428	02-36	Gee & Jenson	16-May-02	Improvements Permitting 2002	\$50,000
PA001456	02-37	Clements	18-Jun-02	Seagrass Success Area Surveys at Piney Point and Turning Basin	\$4,500

#### *Remaining Permit Applications*

A widening modification of the pending DEP dredging and spoil island permit is itself pending. The permit modification is necessary to account for a design change made by the Corps as a result of ship simulation modeling. Modifications to the Corps permit are also necessary as DEP individual permits are issued. For example, The Corps permit has been modified to incorporate the DEP seagrass mitigation and Little Redfish Creek alternative permits, and will be necessary to incorporate the DEP dredging and spoil island permit.

#### **Mitigation**

After years of permit application processing, the campaign proved successful and the DEP conceptual permit and Corps of Engineers Federal permit were obtained. The mitigation program involves the following components (listed with notes on current status):

1. Excavation of about 9 acres of sand bars to an elevation suitable for seagrasses and construction of breakwaters to protect the areas. This has been accomplished.

2. Excavation of a sand spit to prevent closing off of a seagrass habitat from tidal flushing. This has been accomplished.
3. Excavation of about 15 acres of fill area to a suitable elevation for seagrasses and flushing channels. This has been accomplished.
4. Establishment by County ordinance, marking and patrolling of a 390 acre manatee/seagrass management area in which combustion engines are not permitted to be operated. This has been established and marked and is being patrolled. Prop scar recovery being experienced as a result is another part of the seagrass mitigation.
5. Early bare-root seagrass planting before permit issuance
6. Transplanting of the 5.3 acres of seagrasses from improvements project dredging areas to seagrass mitigation sites before dredging. This was completed in 2001, with the exception of some ongoing cleanup.
7. Transplanting of the 2 acres of seagrasses from the flushing channels before excavation to the excavated sand bar areas. This has been accomplished.
8. Construction of a boat ramp and installation of a public information kiosk with material on manatees, seagrasses, and the management area. This has not been implemented. The boat ramp is planned for opening after establishment of the adjacent seagrass mitigation areas so that they will not be unduly stressed while they are still vulnerable.
9. Creation of a 60-acre bird habitat on an existing spoil island. The modifications are under construction.
10. Construction of Little Redfish Creek. This was modified at the request of DEP to an alternative creek excavation and other enhancements connecting to Peanut Lake. Construction is underway.

Following is a more detailed accounting.

#### *Seagrass Mitigation Construction*

To avoid missing a growing season prior to receipt of the permits to perform the seagrass mitigation, the Port Authority proceeded with a harvesting and planting method that did not require a permit. Floating and beach rack seagrass material was collected, sorted by species, and bundled and planted bare root by insertion without prior excavation. The method was coordinated with the environmental agencies to verify that no permits were required. Unfortunately, it is not clear whether any significant gain was realized from the exercise.

Development of a method for seagrass transplanting suitable for moving so much grass during one growing season cost effectively was the next challenge. Project schedules and seagrass growing cycles, which are not unlike other plants', dictated transplanting within one growing season. The timing coupled with the sheer quantity of grass to be transplanted (over 5 acres) dictated a high rate transplanting method. There are other benefits associated with a high rate method, such as one in which large "plugs" are transplanted instead of small ones. One is cost saving due to efficiency. The other is minimization of the cutting of rhizomes, or horizontal shoots, by which seagrasses propagate. The larger a unit that is excavated intact, the fewer rhizomes that are severed per unit area.

The challenge was that a high rate method simply did not exist. The Port Authority had to develop one. The Port Authority organized a design charrette to bring together all of the experts in the field of seagrass mitigation who would participate and collaborate in an effort to identify a viable high rate approach to seagrass transplanting. Many different proposals resulted from that meeting and a subsequent series of brainstorming sessions.

After seeing some promising proposals as a result of the process, the Port Authority bid the transplanting project in a way that solicited proposals of high-rate methods. Upon review of a good number of submittals, the Port Authority determined that none of the methods was prudent considering the cost and uncertainty involved.

Further attempts to stimulate development of a new cost effective high rate method of transplanting seagrasses were rewarded by the invention and patenting of a mega-unit transplanting machine by a local sod farmer long involved in the cutting edge sector of seagrass mitigation. The inventor, Jim Anderson, won a contract with the Port Authority in a second bidding of the project to transplant seagrasses using vessels equipped with large modified clam bucket type contraptions. The concept was to pick up large units of seagrass, transport them, and deposit them flush with the surrounding grade in the planting area without undue disturbance of the units. This method was demonstrated to DEP and other commenting experts, shown to be successful, and approved by DEP for use. The method was used to transplant the seagrasses from the dredge areas to mitigation sites.

Creation of one of the seagrass mitigation sites involved excavation of a previously filled area to an elevation suitable for seagrass growth and connection of the new area to the Bay with flushing channels. The flushing channels cut through areas vegetated with seagrasses. The channels will likely revegetate naturally after excavation. Before the channel excavation, the existing seagrasses, about 2 acres, were transplanted to another mitigation area. Environmental Affairs Consultants of Palmetto, Florida, performed this work for the Port Authority.

The seagrass mitigation construction and transplanting have been performed under the individual seagrass mitigation permit issued subsequent to and pursuant to the conceptual permit.

Following are the Port Authority contracts for the construction of the seagrass mitigation:

PO#	PSA#	Vendor	Effective Date	Contract Name	Amount
	99-29	Gee & Jenson	08-Dec-99	Expansion Project Program Management	\$233,000
	99-14	PBS&J	24-Aug-99	Technical Support and Expert Services	\$3,551
	99-27	Gee & Jenson	08-Dec-99	Seagrass Transplanting Design and Mitigation	\$31,000
PA000767	00-10	Gee & Jenson	17-Feb-00	Divided Seagrass Mitigation Bidding	\$15,400
PA000826	00-13	Gee & Jenson	25-Apr-00	Seagrass Mitigation Construction Observation	\$26,625
PA000973	01-04	Gee & Jenson	12-Oct-00	Seagrass Mitigation Plans, Bidding and CA	\$111,000
PA000766	00-09	Gee & Jenson	17-Feb-00	Early Seagrass Planting Planning, Design and Change Order	\$14,675
PA000801		Aquatic Subsurface Injection Systems	16-Mar-00	Anderson Early Seagrass Planting	\$163,296
PA000829		Santjer, Jimmy	25-Apr-00	Construct Staging Area for Mitigation Project	\$20,000
PA001136		EAC	24-Jul-01	Piney Point Seagrass Planting Construction	\$483,533
PA001117		Centerline Construction Company	16-Aug-01	Piney Point Earthwork and Breakwaters Construction, Minor Seagrass Transplanting, and Site 7 Roads	\$437,282
PA001130	01-20	Clements	16-Aug-01	Piney Point Sites 4 & 6A Surveying	\$8,000
	99-18	Gee & Jenson	06-Sep-99	Seagrass Transplanting, Public Boat Ramp, Aviary	\$72,221
PA001139		Anderson, Jim	31-Aug-01	Anderson 2001 Transplanting	\$910,413
PA001138		Aquatic Subsurface Injection Systems	20-Sep-01	Anderson Transplanting Equipment Lease 2001	\$175,000
PA001246		EAC	15-Nov-01	Seagrass Transplanting Diver Mop-up Construction	\$100,000
PA001452		Anderson, Jim	18-Jun-02	Transplanting 2002 - Remaining Thalassia from	\$23,715

			Turning Basin to Site 3	
PA001453		Aquatic Subsurface Injection Systems	18-Jun-02 Anderson Equipment Lease 2002	\$45,000
PA001454		EAC	18-Jun-02 Halodule Transplanting from Turning Basin to Site 7	\$10,510
PA000749	00-01	PSI	20-Jan-00 FPL Property Geotechnical Services	\$2,674
PA001131	01-21	Clements	16-Aug-01 Site 7 Roads Layout Survey	\$5,000
PA001292	02-11	Gee & Jenson	20-Dec-01 Little Redfish Creek/Site 7 Earthwork Bidding and CA	\$82,884
PA001291		Wilkinson & Jenkins	15-Jan-02 Little Redfish Creek/Site 7 Earthwork	\$923,500
PA001365	02-26	Clements	21-Mar-02 Site 7 Layout Survey	\$1,980

#### *Little Redfish Creek Alternative Construction*

Construction of the Little Redfish Creek mitigation was contracted with the construction of seagrass mitigation Site 7, subject to permit authorization. The contract is listed in the seagrass mitigation construction section. Upon issuance of the permit for the alternative design, the contract scope was changed accordingly.

#### *Piney Point Boat Ramp Construction*

The Piney Point Boat Ramp portion of the mitigation has been designed and has not yet been constructed. Since the site is adjacent to some seagrass mitigation planting areas, construction is being delayed pending establishment of the plantings.

Following are the Port Authority contracts for the design of the Piney Point Boat Ramp:

PO#	PSA#	Vendor	Effective Date	Contract Name	Amount
PA000751	00-02	PSI	20-Jan-00	Piney Point Boat Ramp Geotechnical Services	\$1,591
PA000892	00-27	Clements	20-Jul-00	Piney Point Boat Ramp Topo Survey	\$2,432
PA001321	02-13	Gee & Jenson	17-Jan-02	Piney Point Boat Ramp Additional Design and Permitting	\$9,000

## Apportionment

The permitting regulations requiring consideration of cumulative impacts dictated consolidation of the improvements into one project to be mitigated as a whole. The magnitude of dredging impacts, particularly the Federal portion, dictated designing the mitigation using an ecosystem approach. The ecosystem approach to mitigation is one in which no single part of the mitigation applies to any single part of the impacts. These two factors represent the key difficulties in splitting permitting and mitigation costs between Federal and non-Federal portions of Phases II and III.

Therefore, as presented in a meeting with the project team at the Corps office in Jacksonville on April 11, 2002, The Port Authority recommends splitting the permitting and mitigation costs between Phases II and III of the Federal Project and between Federal and non-Federal portions, as required for the PCA, by allocating portions of total cost based on portions of dredge area. For example, if the Federal portion of Phase II is X% of the total Phase II/Phase III dredge area, then X% of the total permitting and mitigation cost should be allocated to the Federal portion of Phase II for cost sharing.

The rationale behind this approach is two-fold. First, there is no more equitable method for allocating the costs since, as explained above, the mitigation cannot be logically broken into discrete parts that apply to discrete parts of the impacts due to the ecosystem approach that was used. Second, the dredging accounts for all of the impacts requiring mitigation.

Following are the figures associated with the recommended mitigation allocation method:

Phase II federal portion:	74% (80.45 acres dredging)
Phase II non-federal portion:	4% (4.57 acres dredging)
Phase III federal portion:	19% (20.16 acres dredging)
Phase III non-federal portion:	3% (3.59 acres dredging)

Cost sharing would apply to the federal portions.

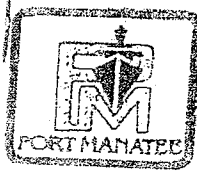
Of course, these figures are based on the assumption that Phase III is going to be authorized and funded. Adjustments to be made in the event that Phase III is not authorized and funded should be considered.

To address which parts of the mitigation apply to acquisition of lands, approval of our Conceptual Environmental Resource Permit by the Florida Department of Environmental Protection (DEP) was a prerequisite to obtaining Governor and Cabinet approval of the Sovereign Submerged Lands Lease necessary for dredging authorization. The entire mitigation program was necessary for permit issuance and granting of the lease.

## Expenditures

The projects listed herein have been accomplished or are currently in progress. They are all related to the permitting and mitigation of the Port Authority's improvements project, which includes the Federal Project Phases II and III. As explained above, the dredging, especially the federal portion of the dredging, was by far the primary reason for the magnitude of the required permitting and mitigation efforts.

No single project on the list is attributable to a single part of the improvements – for example, Phase II or Phase III. The total cost of all projects on the list is approximately 5.6 million dollars. More work will be necessary in the future, as the permits require monitoring and adjustments as necessary for a period of at least five years. The permitting and mitigation work is ongoing. Additional costs will be incurred in the future and added to these figures. Also, internal Port Authority costs associated with coordination with the Corps regarding the Federal Project are not included here, and are to be added later.



Tampa Bay

# Manatee County Port Authority

300 REGAL CRUISE WAY, SUITE 1, PALMETTO, FL 34221 • 941-722-8821 • FAX 941-729-1463 • [portoffice@portmanatee.com](mailto:portoffice@portmanatee.com)

Date: September 18, 2002

To: Master of M/V Sophie Oldendorff  
Via Fax # 813/247-5733 Agent: Charles Hyppa/Navios Ship Agencies  
Via Fax # 813/247-4425 Captain Knight/Tampa Bay Pilots

From: John Denmark *JD*  
Operations and Maintenance Manager

Subject: Damage to dock at Port Manatee

TOTAL NUMBER OF PAGES INCLUDING COVER: One (1)

At approximately 0415 hours on September 17, 2002, during your attempt to dock, the M/V Sophie Oldendorff struck and damaged our dock at Berth 6.

This correspondence is to serve as notice that the Manatee County Port authority holds you, the vessel's agent, and all other connected parties fully responsible for all damages incurred, including the cost for repairs, surveys and inspections. If you would like we could have a joint survey. Please make sure that all parties concerned receive a copy of the damage report along with this correspondence.

If you have any questions please do not hesitate to contact me.

JD/mjt

cc: David McDonald  
Bebo Smith  
George Isminger  
Joe Montoya

Encl: Damage Report

jd Sophie Oldendorff berth 6 fax





Tampa Bay

# Manatee County Port Authority

300 REGAL CRUISE WAY, SUITE 1, PALMETTO, FL 34221 • 941-722-6821 • FAX 941-729-1453 • portoffice@portmanatee.com

## MEMORANDUM

**TO:** MASTER OF M/V DENE B  
Agent: Savage Shipping

**FROM:** JOHN DENMARK *[Signature]*  
Operations & Maintenance Manager

**DATE:** January 6, 2003

**SUBJECT:** DAMAGE TO DOCK AT PORT MANATEE

At approximately 1100 hours on January 4, 2002, your vessel "DeneB" struck and damaged our dock and bumpers at Berth #6.

This memorandum is to serve notice that the Manatee County Port Authority holds you, the vessel agent and all other connected parties fully responsible for all damages incurred, including the cost for repairs and surveys.

If you have any questions, please do not hesitate to contact me.

JD/jw

cc: David L. McDonald – Executive Director  
Bebo Smith – Sr. Director of Operations & Maintenance  
George Isiminger – Director of Engineering & Environmental Affairs

# DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION

Joe East, Governor

Cynthia A. Hootman, Secretary

## BOARD OF PILOT COMMISSIONERS

### 61G14-10.005 MARINE INCIDENT REPORT

Florida State Law (310.111), Florida Statutes, and the Rules of the Board of Pilot Commissioners promulgated thereunder, require the reporting of all collisions, groundings, strandings or other marine perils sustained by vessels on which there was employed a licensed State Pilot or Certificated Deputy Pilot shall be reported to the office of the Board or the piloting consultant within 48 hours of the occurrence. In addition, a written report shall be submitted to the Department on forms and in the manner prescribed by the Department within seven (7) days of the occurrence. HOWEVER, ANY MARINE INCIDENT INVOLVING OIL SPILLAGE, POLLUTION, PHYSICAL INJURY OR DEATH SHALL BE REPORTED TO THE BOARD OR THE PILOTING CONSULTANT BY TELEPHONE OR TELEGRAM WITHIN 24 HOURS OF THE OCCURRENCE IN ADDITION TO THE REQUIRED WRITTEN REPORT.

SEND TO: Board of Pilot Commissioners or Galen Dunton  
140 N. Monroe Street 1770 Hammock Drive  
Tallahassee, FL 32399-0773 Amelia Island, FL 32034  
(904) 488-0698 fax (904) 922-6918 (904) 277-0699 fax (904) 277-4003

NOTE: Not Available or N/A is not an acceptable response to any question. Failure to fully and accurately complete this report will result in disciplinary action against the Licensed State Pilot or Certificated Deputy Pilot.

1. Name and DP/SP Lic. # of Pilot Lambert M. Warr #00000052
2. Port Tampa Date of filing this report 3/22/02
3. Date and Time of the incident 03/20/02 : 0835
4. Initial report of incident required by FS 310.111 made at 0845 (time) on 03/20/02 (date) to the Board Office PILOTING CONSULTANT (Indicate which one).
5. Was there any oil spillage, pollution, physical injury or death involved in this incident? YES  
NO XX If the answer is YES, give complete details of the oil spillage, pollution, physical injury or death on a separate sheet to be attached to this report.
6. Name of vessel, type flag and gross registered tonnage upon which you were serving as pilot:  
M/V TONIC CARRIER, Nassau, Bahamas, 3,945 G.R.T.
7. If U.S. flag vessel, indicate whether operating under register or enrollment. If uncertain, provide available information concerning employment: last port, next port, origin or destination of cargo discharged or loaded, etc. Not a U.S. Flag
8. If the incident was a collision, name, flag, type and gross registered tonnage of the other vessel(s) involved:  
Not a collision
9. If the incident was not a collision, but involved striking a dock or wharf, a moored vessel or other property, give the name of the vessel(s) or other property involved. Port Manatee Berth No. 19
10. Specific location of the incident (describe in terms of channel, nearby buoys, lights, daymarks, pier or berth designations, etc. approximately 50 feet east of western corner of berth near  
water connection

11. Signature of Incident:  
See page 01.

(attach an additional sheet, if necessary)

12. Time and location of the boarding and leaving of the vessel by the pilot:  
Boarded at Buoy 3 & 4, Esomont Channel; off at 0255.

13. Weather conditions at time of incident:

State of tide: 0.0 ft.

Wind direction (from): RSE

Speed (knots): 7 knots

Current direction (from): 0

Force (knots): 0

General description of weather: Clear

14. Drafts of your vessel at the time of the incident:

Forward 14'00"

Midships 20'05"

Aft 21'00"

15. Depth of water at position of incident: 40'00"

16. Detailed description of damage to vessel you were piloting (if any): paint removed to metal nine feet horizontal and two inches wide. No indentation of metal.

17. Detailed description of damage to other vessel(s) or property (if any):  
Concrete bulkhead 6 feet long by 3 feet high and 3 feet wide on surface of dock housing water connection sustained several cracks only.

18. Name, address and phone number of agent of vessel upon which you were serving as pilot:  
Carlos Guzman, Millette Breau Shipping Services (USA) Corp. Inc., 3333 Kammerly Boulevard, Tampa, Florida 33629; (813) 348-1481; cell: (813) 624-3949

19. Name, address and phone number of agent and/or owner of other vessel(s) or property involved:

Port Manatee Port Authority, 300 Regal Cruise Way, Suite 1, Palmetto, Florida 34221 (941) 722-6621; John Lundmark or Bobo Smith

20. ATTACH: A COPY OF BELL BOOK OR SHIP'S LOG ENTRIES COVERING THIS INCIDENT.

21. ATTACH: Additional page containing remarks or additional comments concerning this incident.

LAMBERT WARE #0000052  
Print name & US/sp lic.# of pilot

3603 W. Manalena St.  
Home Street address

Tampa, Florida 33629  
City/Zip

(813) 831-2496  
Phone Number

Lambert M. Ware  
Signature of pilot

STATEMENT OF CAPTAIN LAMBERT WARE

11. During docking, the ship's starboard quarter overhung the edge of the dock and laid up against the top edge of a concrete housing for a water outlet. The forward motion of the ship scraping against the concrete edge removed paint for approximately nine feet and about two inches wide with no indentation of the hull. The concrete housing sustained several cracks.

20. Copy of Bell Book was not made available to the pilot; however, he was able to obtain a written copy as follows:

0207 DS-AH Fastest Tow L.  
"Escambia" Foze  
0211 Stop  
0222 DSAS, SAS, HAS, STOP  
0234 Fast Line Ashore  
0250 All fast, let go tug line  
Pilot away.

21. Vessel translated from Egmont Channel into Port Manatee Channel without incident. TUG ESCAMBIA was one half mile before bouys 5 & 6, Port Manatee Channel at 0205. Ship's engine placed from Slow Ahead to Dead Slow Ahead and tug made fast 0207 at Bouys 5 and 6. Worked tug against ship's engine and rubber hull approximately one ship length and parallel to berth at which time 0221 ship engine was stopped. Ship's speed at this time was approximately one knot. The tug was used to control the direction and speed of the vessel while approaching position to berth. At 0222, I ordered ship's engine Dead Slow Astern in order to stop abruptly and back stern to port and also causing a wedge of water between the ship and the berth. With no response from the engine, I ordered Slow Astern. (Captain relayed my first two Astern orders and we were both looking at tachometer and observed no response from the engine.) Next, I shouted Half Astern. The ship's engine stopped at the time of contact with the berth. The engine was ordered stopped. The momentum of bow being pushed towards dock and once flat the ship came off the berth parallel about 3 feet. At this point, I had the tug slack his line and move midships where he pushed the vessel alongside of the berth. After most lines were out, the tug shortened his line again and moved the ship forward approximately 15 feet for a better position of the gateway. At 0250, vessel all fast, let go tug and I went ashore at 0255.

The approach to the berth was perfect; and, the berthing would have been perfect if the ship's engine would have started when I ordered either of the first two astern bells. Later in the morning when I returned to the vessel to obtain a copy of the bell book from the Captain (which he refused) the Captain told me it takes seven seconds to go astern on the engine. I was not told before this time about the seven seconds. I think he must be talking about the engine taking seven seconds from Dead Slow Ahead to Dead Slow Astern and not when the engine was already stopped. In my opinion, only two seconds would be required to start the engine.

In the Captain's "letter of protest" I object to the words "dashed" and "impact" as inappropriate according to my experience. Also, in the letter he says he told me to push harder on the tug which he did not do. He also implied that he solely ordered the first two astern bells when actually he simply relayed my orders. He watched the tachometer with expectation as I did.

03/30/01 FRI 15:47 FAX 813 625 0310

VULCAN/ICA TAMPA

0001

## Vulcan

Materials Company

Richard D. Phillips, P.E.  
Florida Regional Manager  
Sales and Technical Services

March 30, 2001

Mr. Joseph W. Gontarski  
Manatee County Port Authority  
VIA FACSIMILE 941-729-1463

Re: Vessel LOA Expectations

Dear Joe,

As we have discussed during both our lease negotiations with the Port and the Port's negotiations with the Corps, Vulcan is in need of facilities that are capable of safely and efficiently handling our vessels. Our trade utilizes only Panamax-sized gravity self-unloaders, with most of the LOA's currently falling between 735' and 900'. We presently own two vessels with LOA's around 760' but we have afreightment contracts with other companies that place us in need of being able to receive the longer ships.

As the ships in the present pool age, we see them being replaced with larger-sized vessels for increased transportation efficiencies. It is unlikely that the increased size will be due to draft or width; it will be obtained by increased LOA. Please help us be able to operate efficiently today and be prepared for tomorrow.

Sincerely,



**LAFARGE**  
FLORIDA INC.

May 10, 2001

Mr. David McDonald  
Port Director  
Manatee County Port Authority  
300 Regal Cruise Way  
Palmetto, Florida 33221

Dear Mr. McDonald:

Let me take this opportunity to reconfirm Lafarge Corporation's keen interest in your progress in providing longer berths at Port Manatee.

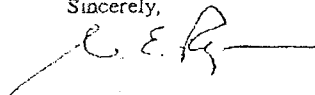
As you know, we are currently using Berth 6 for all of our discharging needs. The berth is restrictive in that it is only 400 ft. in length. We look forward to the day when we can bring vessels with up to 900 ft. LOA's from any one of a number of suppliers in the Far East from where we presently receive cargo. This might also take place at Berth 5.

We understand there is concern over the 1,000 ft. turning radius that the Port and its tenants are counting on to accommodate these larger vessels. This seems to be especially critical in the area of Berths 5 and 6.

Aside from the freight economies of using longer and larger vessels, Lafarge could consider upgrading its discharge facilities as larger cargoes become available.

These opportunities are only available if longer berths and modern facilities are in place. It seems that expenditures on berth construction are only worthwhile if the most modern and useful facilities are planned. In our opinion, the longer berths are the only practical application of those public construction funds. Without the proper turning basin, this is unattainable. Please keep us posted on your progress.

Sincerely,

  
Nick Ryan  
Manager, Import Logistics  
Lafarge Corporation

cc: Mr. Joseph Gontarski, MCPA

**Martin Marietta Aggregates**

Offshore/Southern Area  
4101 Markins Blvd.  
Tampa, Florida 33605  
Telephone (813) 843-1070  
Fax (813) 843-3723

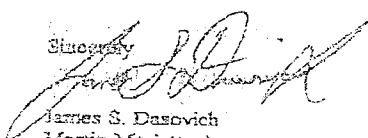
Mr. Joseph W. Gontarski  
Manatee County Port Authority  
300 Regal Cruise Way  
Palmetto, FL 34221

Re: U.S. Army Corp Of Engineers - Manatee Harbor Turning Basin

We at Martin Marietta support the Port Authorities efforts to have the turning basin widened to 1400 feet in diameter. We have access to ships that would require a larger turning basin than the proposed basin width of 900 feet

We need the larger basin to deliver greater tonnages of cargo for the economic benefit of the state of Florida. The majority of our products are for the use of the Florida Department of Transportation's road and highway improvement efforts. With the larger vessel turning basin we could help the state control the costs of road improvements in the future.

Sincerely,

  
James S. Dasovich  
Martin Marietta Aggregates



# Department of Environmental Protection

Lawton Chiles  
Governor

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Virginia B. Wetherell  
Secretary

## CERTIFIED - RETURN RECEIPT REQUESTED

August 14, 1998

Gee & Jenson  
Coastal Dept.

AUG 18 1998

Job# 98/32.10

Manatee County Port Authority  
c/o Mr. James D. Moore  
Gee & Jenson E-A-P, Inc.  
One Harvard Circle  
West Palm Beach, Florida 33409

File No. 0129291-001-EI, Manatee County |  
Manatee County Port Authority  
Port Manatee Navigation and Bulkhead Improvements

Dear Mr. Moore:

We have reviewed the information that you submitted on July 16, 1998, for an environmental resource permit. A revised request for additional information identifying the remaining or additional (in bold print) items necessary to complete your application is enclosed.

Thank you for your continued cooperation. If you have any questions, please contact me at (850) 487-4471, ext. 141.

Sincerely,

Lauren P. Milligan  
Environmental Specialist  
Bureau of Beaches and Coastal Systems

Enclosure

cc: David McDonald, Manatee County Port Authority  
Robin Lewis, Lewis Environmental Services, Inc.  
Allen Burdett, DEP, Southwest District  
Randy Cooper, DEP, Southwest District  
Rose Poynor, DEP, Southwest District  
Randy Runnels, DEP, Southwest District



**Manatee County Port Authority**

**File No. 0129291-001-EI**

**August 14, 1998**

**Page 2**

Mary Duncan, DEP, BPSM  
Fritz Wettstein , DEP, DMR  
David Crewz, DEP, FMRI  
Kevin Peters, DEP, FMRI  
David Dale, NMFS, St. Petersburg  
Deborah Manz, USFWS, Tampa  
Michael Nowicki, USACOE, Jacksonville District  
Christine Bauer, USACOE, Jacksonville District  
Jerry Scarborough, USACOE, Jacksonville District  
Suzanne Cooper, TBRPC, ABM  
John Meyer, TBRPC, IC&R  
Peter Clark, Tampa BayWatch, Inc.  
Gloria Rains, ManaSota - 88, Inc.  
Tom Reese, ManaSota - 88, Inc.

**Date Requested:** August 14, 1998

**File Number:** 0129291-001-EI

**Applicant:** Manatee County Port Authority

**REQUEST FOR ADDITIONAL INFORMATION**  
(Chapters 62-330 and 62-343, Florida Administrative Code)  
**Part I**

- [ 07/16/98 ] 1. Please publish the enclosed Notice of Application. Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., the applicant is required to publish this notice one time only, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Section 50.011 and 50.031, F.S., in the counties (Manatee and Hillsborough) where the activity is to take place. The applicant shall provide proof of publication to the DEP, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 310, Tallahassee, Florida 32399-3000. Failure to publish the notice and provide proof of publication may result in the denial of the permit.
- [ 07/16/98 ] 2. Provide a vicinity map indicating clearly the location of your project, relative to the Tampa Bay area.
- [ 07/16/98 ] 3. Provide detailed geotechnical information, similar to that provided previously for Phases I and II, for the material to be excavated in Phase III.
- [ ] 4. Provide detailed information concerning measures that will be taken to prevent sedimentation of adjacent biological resources in Tampa Bay (i.e. turbidity screens surrounding Phases II and III, similar to those depicted on Sheet No. 2 of 8 ?). **See Item No. 12.**
- [ 07/16/98 ] 5. Provide detailed information concerning measures that will be taken to prevent erosion of the shoreline adjacent to the project areas.
- [ ] 6. Provide a detailed description and survey map of all submerged land, wetland, and upland characteristics within the dredge, fill, and upland excavation areas, including: submerged, emergent, wetland, and upland vegetation, oyster beds, hard or soft corals, sponges, or other biological resources. On the map(s) clearly outline and label the individual areas, overlay the proposed project, and distinguish between all areas of temporary and permanent impacts with shading or cross-hatching. List total acreages and acreages of temporary and permanent impacts for each resource

**Request for Additional Information**

**File No. 0129291-001-EI**

**Page 2**

classification. Mitigation will be required for destruction of natural resources. See Item No. 12.

- [ 07/16/98 ] 7. Provide an analysis of the stability of the turning basin and widener slopes when subjected to storm waves and ship wakes. Also, clarify how the presence of limestone near the surface (after dredging) will prevent the sloughing of softer sediments supporting seagrasses adjacent to these areas. This issue is important in our evaluation of secondary impacts to seagrasses which may result from the project. How will damage to surrounding seagrasses be minimized? Is this type of damage included in the calculation for the expected seagrass loss?
- [ 07/16/98 ] 8. Please address changes and increases in use at Port Manatee as a result of this project. Provide a detailed statement describing the proposed upland uses and activities. Provide details regarding the number and size (length and draft) of vessels currently using the port and anticipated to use the subject areas after dredging. Provide details on any commitments from the shipping industry to utilize the expanded port facilities.
- [ 07/16/98 ] 9. Has the project ever been reviewed through the Governor's Office of Planning and Budgeting, State Clearing House as a requirement of OMB Circular A-95, Presidential Executive Order 12372, or the National Environmental Policy Act (NEPA) or the Coastal Zone Management Act (CZMA)? If yes, please provide the State Application Identifier (SAI) number and pertinent information regarding the results of the review.
- [ ] 10. The upland development for Phase III (Berth 12) has not been determined to be exempt from the need to provide stormwater treatment. DEP engineering staff and SWFWMD agree that the Bruce Wirth letter may only exempt the applicant from the surface water rules (quantity) not water quality. Facilities that discharge to a tidally influenced waterbody do not require attenuation, but do require stormwater quality treatment. Please provide detailed information on the proposed Comprehensive Stormwater Management Plan as discussed at the August 7, 1998, ABM review committee meeting and August 10, 1998, DEP stormwater meeting.
- [ ] 11. Please be advised: Permitting staff have concerns regarding the direct, secondary, and cumulative impacts of the proposed project and recommend you explore project modifications that would reduce or eliminate these impacts. Staff have discussed proposed modifications

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during pre-application consultation and request a feasibility assessment of project alternatives to the proposed construction that meet the stated objectives while minimizing adverse environmental impacts. Pursuant to Section 3.2.1.1 of the SWFWMD Basis of Review for ERP Applications, the Department must first explore project modifications that would reduce or eliminate the adverse environmental impacts of the project prior to approval of mitigation.

- [        ] 12. Mitigation: In order to obtain both maximum potential mitigation success and beneficial use of the dredged material, the Department encourages the development of a plan incorporating many of the previously discussed mitigation alternatives. Location, design, stability, and seagrass recruitment success of the mitigation areas may be dependent upon a hydrographic/hydrologic engineering analysis of the various options proposed. Upon receipt and review of the updated mitigation plan, additional information may be necessary to complete our evaluation of the proposed mitigation work. The enclosed forms are provided by the Department to assist in developing a final mitigation plan. The mitigation plan should include the following:

- [        ] a. Detailed, descriptive submerged land/wetland/upland cover type maps showing the mitigation construction areas, staging areas, pipeline corridors, etc.
- [        ] b. Plan view and cross-sectional drawings showing pre- and post-construction conditions **and depicting site bathymetry or topography** (drawings should reference mean low water and mean high water on-site).
- [        ] c. Construction narrative and details (including pipeline placement).
- [        ] d. Fill, dredging, grading, mucking, mulching, planting, and vegetation monitoring plans until vegetative success.
- [        ] e. Details on methods of seagrass transplantation, including quantities of seagrasses to be transplanted. How much of the existing biomass will be salvaged? The DEP Bureau of Protected Species Management recommends the transplanting and monitoring procedures for restoration projects found in *A Guide to Planting Seagrasses in the Gulf of Mexico* (1994), written by Mark S. Fonseca. Copies can be obtained from: Editorial Section, National

Biological Survey, National Wetlands Research Center, 700  
Cajundome Blvd., Lafayette, LA 70506.

- f. Long-term management plans for maintaining the mitigation wetlands (i.e. alternate fill, grading, and planting plans, maintenance of wetland site hydrology, removal of exotic/nuisance vegetation within wetland mitigation areas, etc.).

g. Seagrass Transplantation/Restoration

**Please be advised: the applicant has not yet submitted sufficient evidence to support the conclusion that the mitigation plan, as currently proposed, provides an overall net environmental improvement to the area around Port Manatee. Of particular concern is the net loss of productive shallow-water habitat, vegetated and unvegetated. Section 373.414(1)(b), F.S., and Section 3.3 of the SWFWMD Basis of Review for ERP Applications, require that proposed mitigation offset the adverse impacts of the project.**

**The applicant has not demonstrated adequate mitigation for the proposed loss of 26.74 acres of shallow bay bottom and 15.70 acres of seagrass beds. Suitable compensation for the elimination of shallow bay bottom habitat has not been offered. In addition, seagrass transplantation/colonization success is dependent on site hydrology, site preparation, transplanting techniques, site selection and stock source, as well as other climatic factors beyond the control of the applicant. Due to the significance of and difficulty in re-establishing seagrass habitat (especially *Thalassia testudinum*), seagrass impacts are generally avoided, or alternatively, appropriately high mitigation ratios are required by the Department with demonstrated success prior to construction.**

**The current plan will (temporarily) impact seagrass habitat immediately upon initiation of seagrass removal from the proposed dredging areas. Also, the applicant has not provided affirmative data to support transplantation within the specified areas. Data is not available to confirm the reasons for transient vacant areas within the seagrass beds, the appropriateness of planting these vacancies, or seagrass transplanting success. A certain amount of risk is assumed and a temporary loss of function is expected; therefore, additional compensation is required.**

- [ ] | 1) Provide a detailed and specific description of the existing circulation patterns in the vicinity of the proposed breakwater and all transplanting areas.
- [ ] | 2) Provide further detail on the timing and staging of the project; equipment utilized; methods of harvesting, storage, transporting, and planting; and methods for controlling turbidity.
- [ ] | 3) Provide a detailed analysis of additional suitable seagrass transplantation and colonization sites.

**h. Piney Point Seagrass Restoration**

Please be advised: members of the TBRPC Agency on Bay Management and Department staff recommend that only the end of the sand spit point be removed to reduce mangrove impacts, promote cove habitat diversity, and improve circulation within the cove.

- [ ] | Provide details on the timing and staging of the project, the method of excavation, the amount of material to be excavated, the disposal site, method of disposal, and methods for controlling turbidity.
- [ ] | 2) Provide construction details and drawings of the dredging necessary to prepare Transplant Areas # 4, 5, and 6 for planting.
- [ ] | 3) Provide details on the proposed point stabilization techniques/structures.

**i. Breakwater Seagrass Restoration**

Members of the TBRPC Agency on Bay Management and Department staff recommend that the breakwater be designed to allow tidal flow and fish to pass through the structure without causing scour, erosion, excessive shoaling, or sand spit formation.

- [ ] | 1) Provide a hydrographic engineering analysis of the structure per the above concerns and Item No. 12.g.(1)

- [ ] 2) Provide harvesting details and locations of the source seagrass beds for Transplant Area # 7.

j. Spoil Island - Seabird Nesting Area Creation

Members of the TBRPC Agency on Bay Management and Department staff recommend that the Port work with the Department and National Audubon Society to develop a seabird nesting area construction plan that minimizes adverse impacts to local water quality and snook spawning habitat.

- [ ] 1) Provide details on measures that will be taken to prevent sedimentation and turbid discharge from the proposed spoil island disposal site (i.e. turbidity screens, basin volume, outfall details, decant retention time, etc.).
- [ ] 2) Provide details on the existing shoreline topography and vegetation planting plans. How will the plantings be protected from the high wave/wind energy forces that affect the island shoreline?
- [ ] 3) Provide detailed information on long-term management of the island to control predatory species (raccoons).

k. Spoil Island Tidal Lagoon Mangrove Enhancement

Members of the TBRPC Agency on Bay Management and Department staff recommend that the Port work with the Department to develop a lagoon enhancement plan that includes additional bay connections and tidal ponds. The proposed project should also minimize adverse impacts to existing sand spit habitat.

- [ ] 1) Provide details on the timing and staging of the project, the method of excavation, the amount and type of material to be excavated, the disposal site, method of disposal, and methods for controlling turbidity.
- [ ] 2) Provide a detailed and specific report of the present hydraulic loading for the existing system and a detailed and specific description of the anticipated or projected hydraulic loading for the proposed dredged system.

Include maximum/minimum fluctuations in flow volumes, maximum mid-tide velocities and volumes, tidal range and periodicity.

**I. Little Redfish Creek Restoration**

Members of the TBRPC Agency on Bay Management and Department staff recommend that the Port continue to work with the Department to develop a suitable design for effectively restoring oligohaline habitat in the vicinity of Little Redfish Creek. It is recommended that the Peanut Lake basin be maintained as a separate basin and that alternative Round Pond-creek-Tampa Bay connections be explored. The proposed project should also minimize adverse impacts to existing saltern habitat.

[ ] 1) Provide details on the timing and staging of the project, the method of excavation, the amount and type of material to be excavated, the disposal site, and method of disposal.

[ ] 2) Provide a detailed and specific report of the present hydraulic loading for the existing system and a detailed and specific description of the anticipated or projected hydraulic loading for the proposed dredged system. Include maximum/minimum fluctuations in flow volumes, maximum mid-tide velocities and volumes, tidal range and periodicity.

[ ] 3) Provide a detailed engineering analysis of all upstream existing and proposed stormwater treatment facilities, as required for post-construction protection of water quality in the receiving waterbodies (the Comprehensive Stormwater Management Plan).

[ ] 4) Per the previous Peanut Lake basin restoration project and recent site visits, limestone may be located  $\pm 2-3$  ft. below the surface within the proposed creek excavation area. Has this been considered in the proposed plan?

[ ] 5) Provide a detailed pre- and post-construction description, topographic plan view drawing(s), and



cross-sectional drawings of the area hydrologically influenced by the proposed project (possible vegetative restoration/enhancement?).

[            ] |            6)    Provide detailed information concerning measures that will be taken to prevent sedimentation and turbid discharge from the proposed creek excavation area during and post-construction.

[            ]            7)    A conservation easement will be required over the Hendry Tract mitigation area. Please provide a survey sketch and legal description of this area. Refer to the enclosed conservation easement package for specific requirements and information. Recording will be prior to final authorization of your project. Do not record the conservation easement in the public records until you are advised to do so by the Department.

m.    Vessel Idle Speed Zone - Seagrass Protection Area

Management agreements may be issued to governmental entities, nonprofit and nonrevenue-generating conservation, education, charitable, recreation or scientific groups for the management of sovereign, submerged lands for educational, recreational, scientific research, resource protection/enhancement, or stewardship of public lands activities.

How will the management agreement area be implemented locally? A local ordinance has been proposed; however, the Manatee Protection Strategies Task Force has publicly recommended less restrictive zoning in this area. Though speed zones typically facilitate manatee and seagrass protection, the public review and hearing process does not guarantee the implementation of these zones, especially in light of Task Force recommendations and proceedings.

[            ] |            1)    Provide a detailed plan of the proposed management objectives and explain how those objectives will be achieved. The plan should minimally include:  
(a) background information related to the management problem/issue; (b) methods of achieving the management objectives; (c) any proposed structures or

physical alterations to the sovereign, submerged lands (i.e. boat ramp, channels, buoys, navigational markers, and signage); and (d) methods of monitoring achievement of management objectives. The plan will be made a part of the management agreement if your request is approved.

- [ ] 2) Provide a site plan showing all proposed and existing structures/activities (i.e. boat ramp, channels, buoys, navigational markers, and signage) within the management agreement area.
- [ ] 3) Provide a legal description of the area to be encompassed by the management agreement.
- [ ] 13. Provide information on the effects of the proposed mitigation plans on adjacent Terra Ceia and/or Cockroach Bay Aquatic Preserves state lands, water quality, and biological resources. See Item No. 12.
- [ 7/16/98 ] 14. Describe the fendering system proposed for all new and replaced bulkhead within the project area. Sheet No. 7 of 8 states that fender size, type, and configuration are to be determined during final construction. If so, will they provide a minimum of four feet standoff under maximum compression? Will the fenders be above the mean high water line? If not, how does the applicant intend to reduce the potential risk of manatees being crushed between the bulkhead and mooring vessels?
- [ ] 15. Describe the canal that runs adjacent to South Dock Street. The proposed project appears to fill in the mouth of this canal. If the canal is presently open, is it possible for manatees to travel into the canal? How will the canal be modified as part of this application?
- [ ] 16. The application states that the standard manatee construction conditions will be followed, but the applicant does not intend to agree to any restrictions on nighttime in-water activities. Manatee aerial survey data suggests that manatees use this area, particularly the seagrasses around the spoil island and the immediate vicinity of the Port during all times of the year. The standard manatee conditions require that equipment (such as vessels or dredges) shut down if a manatee comes within 50 feet. Manatees are difficult to spot during the day, and are virtually impossible to spot at night. How does the applicant intend to comply with the

**Request for Additional Information**

**File No. 0129291-001-EI**

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standard conditions if work is performed at night?

[ 17 ] The application also states that blasting may also be required to achieve the desired project depth. The manatee precautions offered by the applicant in the application for blasting includes a "danger zone" with a survey by at least two observers in waterborne small craft. Previous experiences with in-water blasting demolition indicate that the best platform for observation is by aerial survey, with an experienced manatee observer. This, of course, depends on the amount of explosives used and the radius of the danger zone. Past manatee watch programs have sighted manatees within the danger zone, and the only observer that saw animals was the aerial observer. In research activities, it is difficult for experienced manatee biologists in watercraft to find animals, even when directed to a specific location by an aerial observer. It is our opinion that the proposed precautions are not sufficient for manatee protection. Enclosed are typical blasting conditions that are usually required for such activities. The details of the manatee watch program are site-specific and may be modified. If these measures are not acceptable, please discuss alternative proposals to reduce the potential impacts to manatees and turtles by blasting activities.

**FOR YOUR INFORMATION**

Your project is in Class II Waters, prohibited for shellfish harvesting. According to 373.414(1), F.S., you must provide reasonable assurance that state water quality standards applicable to waters, as defined in 403.031(13), F.S., will not be violated. The specific state water quality standards for Class II Waters are contained in F.A.C. Rules 62-302.500, 510, and 530. The specific state water quality standards for Outstanding Florida Waters are contained in F.A.C. Rule 62-4.242.

Your project may be located within or adjacent to manatee habitat and the Terra Cera and Cockroach Bay Aquatic Preserves and may be affected by comments from those entities having special interest in the project. Modifications to your project may be necessary upon receipt of the requested comments.

An inspection of the project site may be conducted to determine and evaluate the resources expected to be impacted. Project modifications may be required following the inspection.

In addition, you must provide reasonable assurance that this activity is not contrary to the public interest. However, if an activity significantly degrades or is within an Outstanding Florida Water (OFW), that project must be shown to be clearly in the public interest. Your project is not within

an OFW. In ~~determining~~ whether a project is not contrary to the public interest, the Department will consider and balance the following criteria:

1. Whether the project will adversely affect the public health, safety, or welfare or the property of others;
2. Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
3. Whether the project will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
4. Whether the project will adversely affect the fishing or recreational values or marine productivity in the vicinity of the project;
5. Whether the project will be of temporary or permanent nature;
6. Whether the project will adversely affect or will enhance significant historical and archaeological resources under the provisions of section 267.061; and
7. The current condition and relative value of functions being performed by areas affected by the proposed activity. [See 373.414, F.S.]

The Department, in deciding to grant or deny a permit, shall consider measures proposed by or acceptable to the applicant to mitigate adverse effects which may be caused by the project. If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the Department shall consider mitigation measures proposed or acceptable to the applicant that cause net improvement of the water quality in the receiving body of water for those parameters which do not meet standards. Before considering mitigation, all practicable measures must first be taken to reduce the adverse effects which otherwise render the project unpermissible.

**LEASE AND PUBLIC EASEMENT**  
(Chapters 18-20 and 18-21, Florida Administrative Code)  
**Part II**

1. Provide evidence of title to the riparian upland property south of the TIITF Dedication Area in the form of a recorded deed, title insurance, or a legal opinion of title which includes riparian rights. Evidence submitted must demonstrate that the applicant has sufficient title interest in the riparian upland property. **The deed submitted does not cover the entire tract.**

If you are requesting to construct outside your riparian property lines, the adjacent affected riparian owner must enter into the lease as a co-lessee.

- [ 07/16/98 ] 2. Provide a statement from the Department of Community Affairs indicating whether or not your project, including associated development activities on the upland property, will require review as a Development of Regional Impact (DRI). If a DRI review is required, please be advised that we will be unable to continue processing your application until you have provided evidence of DRI approval in the form of a Development Order or Preliminary Development Agreement.
- [ ] 3. Provide either a copy of your local government permit, a copy of an intent to issue a permit from your local government, or a statement from your local government which explicitly indicates that the proposed project is consistent with the local government's comprehensive plan and the Port Master Plan, detailing the proposed project adoption in the coastal element of the comprehensive plan. Please submit a complete copy of the adopted Port Master Plan.
- [ 07/16/98 ] 4. Provide a detailed statement describing the existing and proposed upland uses and activities. For projects sponsored by local governments, indicate whether or not the facilities will be open to the general public, on a first-come, first-served basis. Provide a detailed breakdown of any fees that will be assessed, and indicate whether or not such fees will generate revenue or simply cover costs associated with maintaining the facilities.
- [ 07/16/98 ] 5. Provide the linear footage of shoreline owned by the applicant which borders sovereign submerged lands.
- [ ] 6. Provide details on the width of vessels that will utilize Berths 4, 5, 11, and 12. This information is necessary to determine the area preempted by vessels moored at these berths over sovereign submerged lands not covered by the TIITF Dedication. The area preempted will require a lease, the remaining turning basin and channel widener submerged lands will require a public easement.
- [ ] 7. A certified, sealed survey of the lease and public easement areas will be required. Refer to the enclosed package (SLER 0950) for specific survey requirements and information. **Staff are considering your request to defer this item pending agency action.**

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- [ 07/16/98 ] 8. Complete and return the enclosed data sheet (SLER 0910) which provides billing information, sales tax information, and other data required pursuant to Section 24.115(4), Florida Statutes.



**GEE & JENSON**  
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SINCE 1951

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January 15, 1999

**HAND DELIVERY**

Lauren P. Milligan, Environmental Specialist  
Department of Environmental Protection  
Bureau of Beaches and Coastal Systems  
3900 Commonwealth Blvd., Mail Station 310  
Tallahassee, FL 32399-3000

Re: Response to Request for Additional Information  
Application No. 0129291-001-EC, Manatee County  
Port Manatee Navigation and Berth Improvements  
Applicant: Manatee County Port Authority

Dear Lauren:

We are pleased to report that we have found a way to modify the proposed improvements to reduce seagrass impacts by 3 acres (19.1% reduction from the previous proposal, 34.5% reduction from the original proposal). We accomplished this avoidance and minimization of seagrass impacts with a new layout which actually results in a slight reduction in previously estimated replacement of shallow bay bottoms with deep-water habitat, and only a slight increase in mangrove impacts (0.2 acre). As an added benefit, more upland area is replaced with deep-water habitat. The result is not only decreased environmental impact, but also, improved navigational safety and Port functionality and marketability, which will further benefit the local community, the region, and the State.

In addition to greatly reducing impacts, we have dramatically improved the mitigation plan, creating a project that, in the end, provides a net benefit to the environment, on all counts, on an even greater scale than previously proposed.

Details on the revised project are provided in this package, which also contains our responses to your Request for Additional Information (RAI) dated August 14, 1998. These recently conceived revisions are simply modifications made in response to comments we've received from other parties and your request for further consideration of avoidance and minimization of impacts, and for improvements to the mitigation plan.

Enclosed for your review are the following permit application documents:

1. Summary document: Revisions to Proposed Navigation Improvements, with attached thumbnail sketch
2. Responses to the RAI, ordered and numbered as in the RAI

3. Certified, revised permit application sketches, 23 sheets
4. Certified storm water management calculations - the plan is shown in the permit application sketches
5. A copy of our previous alternatives analysis
6. Updated Berth Utilization Analysis
7. Revised mitigation plan prepared by Robin Lewis (in collaboration with National Audubon Society on the spoil-site portion), with attachments
8. National Audubon Society report on the spoil island with recommendations for the mitigation plan
9. 11" X 17" plan sheet showing the project and mitigation details, superimposed on a color rectified-vertical-aerial-survey photograph

As is probably betrayed by the jubilant tone of this letter, we are confident that we have forged a project of which the environmental community can be proud. These improvements have been made in the spirit of the Port's role in environmental stewardship, and are expected to speed the process of project approval. Therefore, in the interest of establishing a timeframe for closure, we hereby declare this application complete. That is not to say that we are not willing to collaborate further. We look forward to receiving your comments.

Sincerely,



George F. Isiminger, P.E.  
Senior Associate

GFI:cw

Enc. as stated

98032.10

cc: David McDonald, MCPA      Bill Tiffany, MCPA  
Bill Fay, MCPA Attorney      Robin Lewis, LES  
Steve Lewis, Esq.      Jerry Scarborough, COE Project Manager  
Mike Nowicki, COE West Permits (File # 199801210 (IP-MN))



## Revisions to Proposed Navigation and Berth Improvements

The proposed navigation improvements have been modified in response to requests for further consideration of avoidance and minimization of impacts. The modifications are shown on the attached thumbnail sketch. The orientation of proposed Berth 12 has been rotated inland to shift dredging from heavily vegetated seagrass beds to uplands. The angle of rotation is the optimum for reduction of seagrass impacts. This is done at the expense of valuable upland area.

The turning basin has been shifted from the access-channel/COE-widener area to the north side of the access channel, where the water is deeper and vegetation is relatively sparse. The new turning basin overlaps the access channel and the navigation area for access to Berths 4 and 5, thereby minimizing the area to be dredged strictly for vessel turning maneuvers. The basin provides for much safer access to Berths 4 and 5, and much safer navigation for any vessel requiring a turning maneuver.

Since the new turning basin is in alignment with reoriented Berth 12, the previously proposed COE widener on the south side of the access channel could be removed, saving another heavily vegetated seagrass bed.

This layout actually results in a slight reduction in previously estimated replacement of shallow bay bottoms with deep-water habitat, and only a slight increase in mangrove impacts (0.2 acre). As an added benefit, more upland area is replaced with deep-water habitat.

### Summary of changes in impacts

#### Seagrass impacts

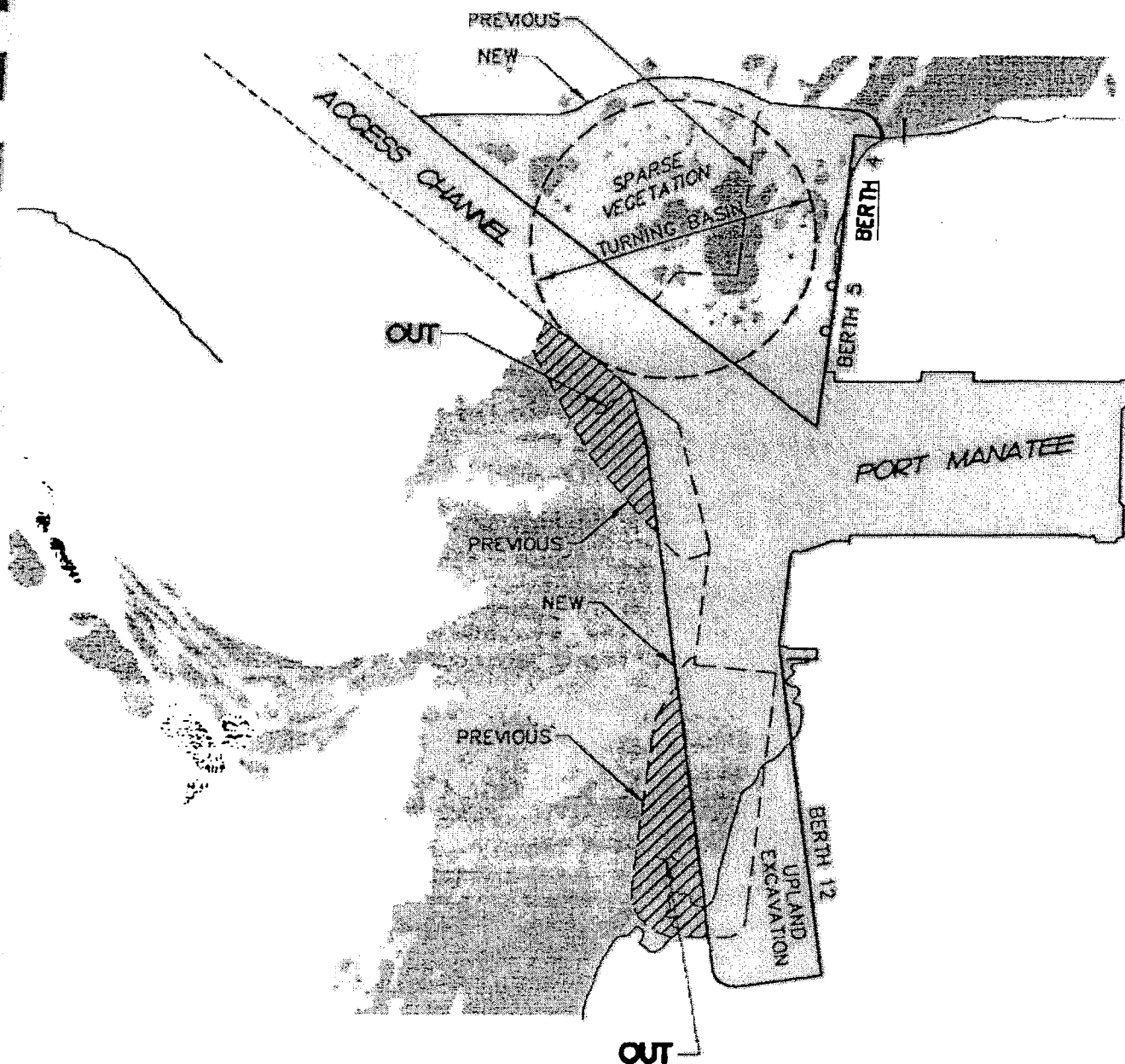
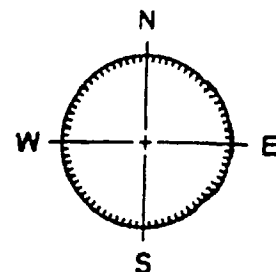
Previous proposal	15.70 acres
New proposal	12.70 acres

#### Shallow bay bottom impacts

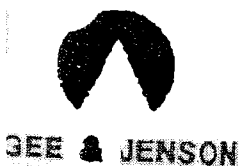
Previous proposal	42.49 acres
New proposal	42.19 acres

#### Mangrove impacts

Previous proposal	1.97 acres
New proposal	2.18 acres



SEAGRASS



DESIG.  
DRAW  
CHKD  
APRV  
DATE

PORT MANATEE  
NAVIGATION & BERTH  
IMPROVEMENTS  
ILLUSTRATION OF REVISIONS

DATE	APRV			REVISION	

SCALE SHOWN  
JOB # 98032.10  
SHEET  
1 OF 1

**Responses  
to  
DEP Request for Additional Information (RAI)  
Dated August 14, 1998  
File #0129291-001-EI  
January 15, 1999 Submittal**

**Part I**

**4. Sedimentation Prevention Measures**

Turbidity screens will be deployed as necessary to prevent sedimentation of adjacent biological resources in Tampa Bay, including those that will have been planted as part of the proposed mitigation. The turbidity screens will be installed as necessary during all dredging operations, including construction dredging and scrape-down for mitigation construction, between dredging operations and adjacent shallow areas. They will remain in place until turbidity subsides, to ensure compliance with state water quality standards wherever biological resources are present. The boundaries to be screened are shown on the enclosed revised permit-application sketches.

**6. Submerged Land, Wetland and Upland Characteristics**

We have expanded the mapping of resources, as requested. In addition to the previously provided seagrass mapping, which constitutes the resource mapping of the submerged areas, the enclosed revised permit-application sketches provide mapping of upland biological resources. The sketches show FLUCCS mapping performed by Lewis Environmental Services, covering all upland areas of the project except the spoil island. Mapping of biological resources on the spoil island was performed by National Audubon Society, and is also shown on the sketches.

**10. Storm Water Treatment**

As stated in our last submittal, the applicant agrees to prepare a comprehensive storm water management plan covering all of the developed areas of the port. The port would agree to a permit condition requiring preparation of the plan within six months after permit issuance. Additionally, we are proposing storm water treatment, as part of this project, for runoff from areas to be improved as part of this project. The proposed storm water management improvements are shown on the attached revised permit application sketches, and on a separate plan. Calculations of treatment parameters are also enclosed.

**11. Avoidance and Minimization**

As indicated, we have conceived a modified layout which reduces seagrass impacts by 3 acres (19.1% reduction from the previous proposal, 34.5% reduction from the original proposal). This new layout actually results in a slight reduction in previously estimated replacement of shallow bay bottoms with deep-water habitat, as well. As an added benefit, more upland area is replaced with deep-water habitat.

The loss of uplands and additional dredging cost are considered extremely burdensome, but manageable in light of the avoidance and minimization of environmental impact provided, as well as the improvement in navigation safety.

The revised layout is shown in the attached revised permit application sketches.

The angle of rotation of proposed Berth 12 is the optimum for reduction of seagrass impacts. More obtuse angles produce less reduction, because they shift less dredging to upland areas. More acute angles produce more impacts due to the need for dredging in heavily vegetated areas for access, instead of in the relatively sparse area chosen. A copy of our previous alternatives analysis, in which some of these scenarios were considered, is attached for reference. Positioning a more acutely rotated berth farther to the north to avoid the impact, as has been suggested, would be unacceptable, as it would not serve the intended purpose of the improvements. Too much proximal upland area would be lost. Deep-water berths are useless without adequate adjacent upland area to support them.

To better demonstrate the need for the berths, we have enclosed an updated Berth Utilization Analysis.

## **12. Mitigation**

The proposed mitigation plan has been dramatically improved. The detailed description of the mitigation plan, as prepared by Robin Lewis, is attached. The permit sketches have been revised to show the revised mitigation proposal.

Section 3.1.0 of the SWFWMD Basis of Review for ERP Applications provides that permit criteria be implemented in a manner which achieves a programmatic goal and project permitting goal of no net loss of wetlands or functions, which our proposed mitigation plan clearly achieves. Moreover, with a combined ecosystem approach of restoration, enhancements, creation, preservation and long term management, there will be a net improvement of wetlands and other surface water functions in the Port Manatee area. Section 3.1.1 recognizes that a combined mitigation approach is an acceptable approach to offset adverse impacts.

Section 3.2.2 of the Basis of Review specifically acknowledges that the ratio set forth is guidelines for planning purposes. The Basis of Review provides that creation and restoration provide similar benefits with the general preference for restoration since there is a greater chance of success. See Section 3.3.2.1.1. Ratio guidelines vary, depending upon the type of wetland. We are proposing to restore 20.4 acres, that have been destroyed by prop dredging or fill, with seagrasses. This has been clearly documented by DEP's own mapping reports and aerial photography. We are also proposing creation of 7.0 acres of seagrasses. There is no doubt that the areas proposed for seagrass creation and restoration will support future seagrass communities. This conclusion is based upon the fact that we are creating and restoring seagrasses in the same habitat, proximity and elevations as existing seagrass communities. We believe that reasonable assurances have been provided. Neither DEP nor the ABM has provided any

documented evidence that the specific seagrass mitigation proposed will not be successful, other than general comments.

To summarize, the combination of the restoration and creation of seagrasses will provide \_\_\_\_\_ acres of seagrass at a ratio of approximately 2:1. The type of seagrass mitigation proposed has been documented to be successful and clearly meets the reasonable assurance requirements as set forth in the regulations. Perhaps other types of seagrass mitigation projects have not proven to be completely successful, but they cannot serve as a basis on which to conclude that we have not provided reasonable assurances to the Department that the proposed seagrass mitigation will not work. Further, the comprehensive study documented in Guidelines for the Conservation and Restoration of Seagrasses in the United States and Adjacent Waters, Fonseca, Mark S., et al. 1998, concludes that seagrass mitigation is not experimental. It will work, and we have assembled a team of experts well qualified to ensure that it does work.

For the record, we would like to note that the requirement for reasonable assurances is not a requirement for a 100% guarantee that something will be successful. That is acknowledged in the legal interpretation of reasonable assurances and the conditions of permits, which require monitoring, evaluation and corrective measures, if necessary. In this instance, we are extremely confident that the seagrass restoration will work.

### **13. Impact of Mitigation Plan on Adjacent Aquatic Preserves**

The enclosed mitigation plan addresses the effects of the proposed mitigation plans on the adjacent Terra Ceia and/or Cockroach Bay Aquatic Preserves state lands, water quality, and biological resources.

### **15. Canal Modification**

The canal that runs adjacent to South Dock Street is a vegetated ditch. Culverts through an upland plug connect the existing canal to the Bay. As proposed, the canal will be similarly connected to the bay by culverts through the existing upland plug and the proposed bulkhead. The canal will likely be cleaned out as part of the project. An existing culvert crossing will be relocated and replaced with a box-culvert crossing. No other modification is proposed. It is not considered likely that manatees would travel through the culverts to gain access to the canal. However, if deemed appropriate, the culverts can be grated.

### **16. Manatee Protection at Night**

The applicant intends to comply with the standard manatee conditions during night operations by lighting the area of construction within a one-hundred foot radius around construction activities. This provision is in addition to those offered in our previous response.

## **17. Blasting**

If blasting is necessary, it will only be performed during daylight hours. Additionally, an aerial observer will be used to spot any manatees in the area prior to any blasting activities. These provisions are in addition to those offered in our previous response.

## **Part II**

### **1. Ownership of Riparian Upland Property**

The applicant entered into an Agreement of Purchase and Sale with FPL, the owner of the riparian upland property in question, on December 15, 1998, to acquire the property. Proof of ownership will be provided after the closing.

### **3. Local Government Approval**

The Manatee County Port Authority considers the project consistent with the current Manatee County Port Authority Master Plan (Port Master Plan). The Port Master Plan has been revised by the Manatee County Port Authority and by the Manatee County Commission by a motion approved December 15, 1998. The revised Plan more specifically includes the proposed project. The approved revised Port Master Plan includes the following policy:

**Policy 2.1.1.2:** Commence the permitting process for the enlargement of Berth 12 and pursue construction/dredging for navigational access to the Zone A portion of the Hendry Tract. The precise size and location of the berth will be determined by the federal, state, regional and local permitting processes and shall be consistent with the Manatee County Comprehensive Plan.

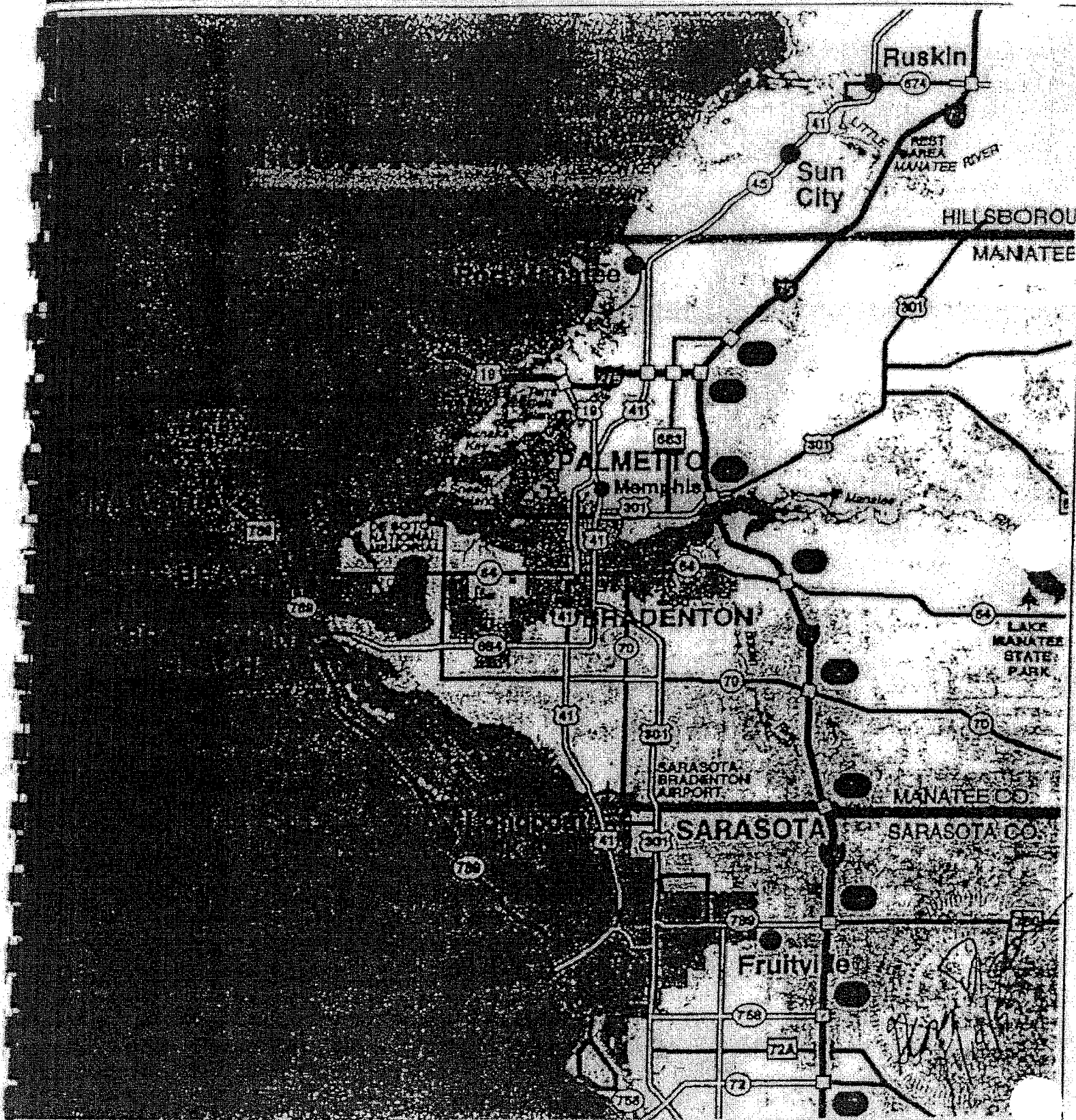
The revised Port Master Plan and Manatee County Comprehensive Plan, of which the Port Master Plan is a component, are presently before the Department of Community Affairs (DCA). Approval is expected in the near future. Documentation will be provided, when available.

### **6. Vessel Widths**

Vessels up to 153 feet wide are anticipated to utilize berths 4, 5, 11 and 12. The pre-empted area not covered by the TIITF dedication will be included in the lease area, if that is the chosen instrument.

### **7. Lease and Easement Survey**

As previously indicated, we request that requirement for a lease survey be deferred. The necessary surveys will be provided, with ample time for agency review, prior to any construction activities.



GEE & JENSON

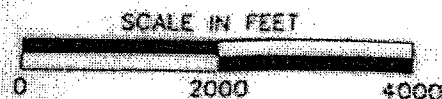
DESIGN *GA*  
DRAW *GCC*  
CHKD *214*  
APRV *217*  
DATE *11/14/99*

BERTH & NAVIGATION IMPROVEMENTS  
MANATEE COUNTY PORT AUTHORITY  
PORT MANATEE, FLORIDA  
SEAGRASS INVENTORY

DATE	APRV	REVISION

SCALE none  
JOB # 98032.10  
SHEET 1 OF 23





TAMPA  
BAY

# PLAN PROJECT OVERVIEW

WELLSBOROUGH COUNTY  
TALAMASE COUNTY

SPOIL  
ISLAND



**ORIGINALS SECTION**

EXPAND  
CHANNEL

-43- I  
ALLOWABLE  
OVER DEPTH

SECTION G-G

SCALE IN FEET

0 400 800



GEE & JENSON

DESG. JCM

DRAW COO

CHKS DAO

APR 2 1965

DATE 2/23/88

NAVIGATION & BERTH IMPROVEMENTS  
PORT MANATEE, MANATEE CO. FL  
APPLICANT: MANATEE COUNTY  
PORT AUTHORITY

SCALE SHOWN

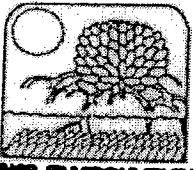
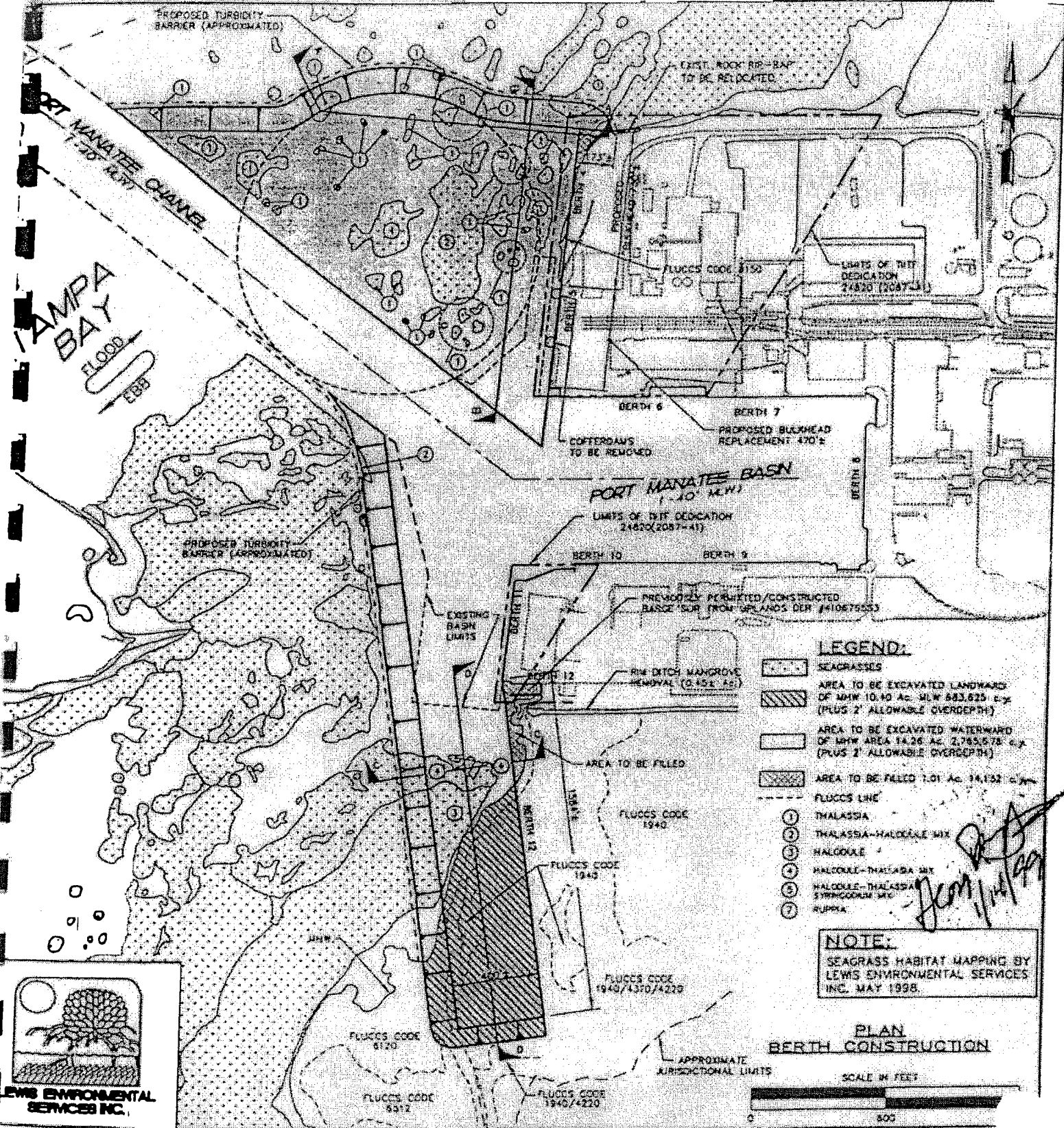
CB 1 98032 10

SHEET

2 23

DATE	APPROV	REVISION
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LEWIS ENVIRONMENTAL SERVICES INC.



BEE & JENSON

DESC. JDM	NAVIGATION & BERTH IMPROVEMENTS PORT MANATEE, MANATEE CO. FL APPLICANT: MANATEE COUNTY PORT AUTHORITY	DATE	APPRV	VOC PROJECT	REVISION	SCALE	SHOWN
DRAW GCO						JOB #	98032.10
CHKD DAO						SHEET	3 23
APRV CFI							
DATE 2/23/98							

## George Isiminger

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**From:** George Isiminger [gisiminger@portmanatee.com]  
**Sent:** Tuesday, May 27, 2003 1:39 PM  
**To:** 'Yvonne.L.Haberer@saj02.usace.army.mil'  
**Cc:** 'Daniel.A.Abecassis@saj02.usace.army.mil'; 'Osvaldo.Rodriguez@saj02.usace.army.mil'  
**Subject:** RE: State Correspondence Letter Requested  
**Categories:** Federal Project

Yvonne,

Attached in response to your request are the following documents related to the Port Authority's joint application to Florida Department of Environmental Protection (DEP) and US Army Corps of Engineers (COE) for Conceptual Permit/Individual Permit for proposed improvements including the Phase II turning basin and wideners:

1. A copy of DEP Request for Additional Information (RAI) dated August 14, 1998. Please refer to Part I, item 11 which states: "Please be advised: Permitting staff have concerns regarding the direct, secondary, and cumulative impacts of the proposed project and recommend you explore project modifications that would reduce or eliminate these impacts. Staff have discussed proposed modifications during pre-application consultation and request a feasibility assessment of project alternatives to the proposed construction that meet the stated objectives while minimizing adverse environmental impacts. Pursuant to Section 3.2.1.1 of the SWFWMD Basis of Review for ERP Applications, the Department must first explore project modifications that would reduce or eliminate the adverse environmental impacts of the project prior to approval of mitigation."
2. A copy of the Port Authority's January 15, 1999 response to DEP's August 14, 1998 RAI, through sheet 3 of 23 of the revised permit sketches. This document presents the modified project layout that shifts the turning basin to the north side of the channel and skews Berth 12 (south channel extension) for avoidance and minimization of impacts as required, allowing for permit issuance. The included Illustration of Revisions, Sheet 1 of 1, shows the previous and modified layouts together. The included permit sketches show the modified layout, which was ultimately permitted.

If you have any questions or require additional information, please do not hesitate to call.

George

-----Original Message-----

**From:** Yvonne.L.Haberer@saj02.usace.army.mil [mailto:Yvonne.L.Haberer@saj02.usace.army.mil]  
**Sent:** Sunday, May 25, 2003 2:14 PM  
**To:** gisiminger@portmanatee.com  
**Cc:** Daniel.A.Abecassis@saj02.usace.army.mil; Osvaldo.Rodriguez@saj02.usace.army.mil  
**Subject:** State Correspondence Letter Requested  
**Importance:** High

George,

Per our conversation on Thursday, May 22, you were going to fax to me the correspondence (from 1996?) from the State indicating that they would not issue a permit for dredging south of the main channel due to dense seagrass in the area. As a result, the turning basin location was shifted to the north to avoid the dense seagrasses to the south of the channel. We need to document and tell this story in the LRR, since this is the main reason why the location of the T.B. has been changed from the authorized location.

I did not yet receive the information requested on Thursday. It is very important that we get this information so it can be used as a reference in the LRR. If you could fax the information to me on Tuesday, May 27, or overnight by Wednesday, May 28, it would be most helpful. The fax number and address is listed below.

Also, back in February you provided me with information regarding the Water Quality Certification for dredging activities for the proposed turning basin and wideners. You said WQC was issued to the Port on December 17, 2002. Could you also send a copy of the WQC to my attention? The information in the WQC may also be helpful to us for document preparation purposes.

Thank you - Yvonne

Yvonne Haberer  
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U.S. Army Corps of Engineers  
Planning Division  
Environmental Branch  
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Jacksonville, FL 32207-8175  
Voice: 904-232-1701  
Fax: 904-232-3442